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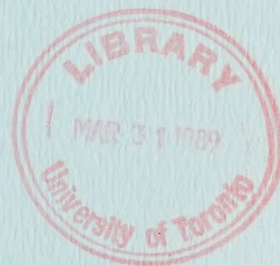


# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 82

DATE: Wednesday March 8th, 1989

BEFORE: M.I. JEFFERY, Q.C., Chairman  
E. MARTEL, Member  
A. KOVEN, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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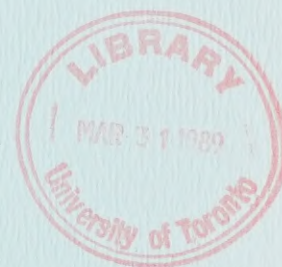
Ontario

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council  
(O.C. 2449/87) authorizing the  
Environmental Assessment Board to  
administer a funding program, in  
connection with the environmental  
assessment hearing with respect to the  
Timber Management Class  
Environmental Assessment, and to  
distribute funds to qualified  
participants.

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Hearing held at the Ramada Prince Arthur  
Hotel, 17 North Cumberland St., Thunder  
Bay, Ontario, on Wednesday, March 8th,  
1989, commencing at 8:30 a.m.

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VOLUME 82

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member





A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH )	RESOURCES
MS. K. MURPHY )	
MS. Y. HERSCHER )	
MR. B. CAMPBELL )	MINISTRY OF ENVIRONMENT
MS. J. SEABORN )	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF
MR. B.R. ARMSTRONG	ANGLERS & HUNTERS
MR. G.L. FIRMAN	
MR. D. HUNTER	NISHNAWBE-ASKI NATION
	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK )	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
MR. P. SANFORD )	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD )	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
	LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA
	LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES )	ASSOCIATION
MR. R. EDWARDS )	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD )	





APPEARANCES: (Cont'd)

MR. J.W. ERICKSON, Q.C.) MR. B. BABCOCK )	RED LAKE-EAR FALLS JOINT MUNICIPAL COMMITTEE
MR. D. SCOTT ) MR. J.S. TAYLOR)	NORTHWESTERN ONTARIO ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL) MR. S.M. MAKUCH )	GREAT LAKES FOREST
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
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MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON





(iii)

APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>DAVID LOWELL EULER,</u> <u>PETER PHILLIP HYNARD,</u> <u>JOHN TRUMAN ALLIN,</u> <u>RICHARD BRUCE GREENWOOD,</u> <u>CAMERON D. CLARK,</u> <u>GORDON C. OLDFORD, Resumed</u>	13677
Continued Direct Examination by Mr. Freidin	13677





I N D E X     O F     E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
466A	Overhead entitled: Tourism Guideline Development Process.	13692
466B	Overhead entitled: Potential Users of Tourism Guidelines.	13698
466C	Overhead entitled: Organization of Tourism Guidelines.	13701
466D	Overhead entitled: The Planning Process for the Integration of Other Resource Values in Timber Management Five-Year Plan of Operations (Page 10 of the Tourism Guidelines).	13704
466E	Overhead entitled: Mandatory Process for the Integration of Other Resource Values in Timber Management (Page 11 of the Tourism Guidelines).	13704
466F	Overhead entitled: Recommended Process for Reaching Decisions on Areas of Concern (Page 13 of the Tourism Guidelines).	13704
466G	Overhead reproduction of page 38 of the Tourism Guidelines.	13712
466H	Overhead reproduction of page 39 of the Tourism Guidelines.	13712
467	Hand-drawn diagram depicting reserve on Oba Lake.	13726
466I	Overhead reproduction of page 48 of the Tourism Guidelines.	13735
466J	Overhead reproduction of page 51 of the Tourism Guidelines.	13735





Index of Exhibits (Cont'd)

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
466K	Overhead reproduction of page 63 of the Tourism Guidelines.	13735
466L	Overhead reproduction of page 83 of the Tourism Guidelines.	13743
466M	Overhead reproduction of page 81 of the Tourism Guidelines.	13747
468	Hand-drawn depiction of variable effects of harvest on different tourist operators.	13764
469	Document entitled: Summary of Effects of Timber Management Operations on the Socio-Economic Environment.	13766
470	Summary of Board site visit on February 23, 1989.	13787



1 ---Upon commencing at 8:30 a.m.

2 THE CHAIRMAN: Thank you. Be seated,  
3 please. Mr. Freidin?

4 DAVID LOWELL EULER,  
5 PETER PHILLIP HYNARD,  
6 JOHN TRUMAN ALLIN,  
7 RICHARD BRUCE GREENWOOD,  
8 CAMERON D. CLARK,  
9 GORDON C. CLARK, Resumed

10 CONTINUED DIRECT EXAMINATION BY MR. FREIDIN:

11 Q. Mr. Clark, I understand this morning  
12 you are going to be dealing with the Document No. 6 in  
13 the witness statement which begins at page 944?

14 MR. CLARK: A. That's correct.

15 Q. Mr. Clark, are there any general  
16 comments that you would like to make about the topic of  
17 socio-economic effects on harvest?

18 A. Well, perhaps just before I do, I  
19 should indicate the structure of the evidence that I  
20 will be presenting today.

21 In the first part of my presentation  
22 today I will be talking and making some general  
23 comments about socio-economic effects. These comments  
24 won't be too long simply because I think we have dealt  
25 with them in some detail in Panels 6 and 7.

26 In the second part I would like to talk  
27 about the Tourism Guidelines and the Tourism Guidelines



1 are a major tool that we use in preventing, minimizing  
2 or mitigating the negative effects of harvest. I say  
3 major because they are certainly not the only tool and  
4 I will be referencing that in my evidence.

5 And the third part of my evidence this  
6 morning will be to summarize the effects of timber  
7 harvesting on the socio-economic environment by  
8 individual stakeholder groups at the area of the  
9 undertaking -- at the scale of the area of the  
10 undertaking.

11 Q. All right. If you could then perhaps  
12 deal with that first comment or first area which are  
13 general comments in relation to the topic.

14 A. Well, as I say, we have discussed  
15 most of this before so I won't dwell on it at great  
16 length. The first point I would like to make is that  
17 we have defined the socio-economic environment in terms  
18 of the values and concerns of various stakeholders,  
19 that is the organizing concept that we have used for  
20 the purpose of presenting our evidence.

21 And in that context, you will note that  
22 we have identified a large number of stakeholder groups  
23 and we have done that intentionally because I think  
24 what we are trying to reflect on is the fact that in  
25 making these kinds of decisions there is a large number

1 of groups that we have to deal with.

2 And the next one I would like to make in  
3 that context is that when you look at the  
4 socio-economic environment from the point of view of  
5 the values and concerns of various stakeholders, you  
6 really are not looking at one fixed entity in terms of  
7 a socio-economic environment, you are really looking at  
8 a number of different socio-economic environments. And  
9 this is extremely important to us.

10 A cottager's values and concerns are  
11 quite different than those of local anglers and  
12 hunters. The values and concerns of the forest  
13 industry are quite different than those of, for  
14 example, the mining industry. And, for that reason, I  
15 think it is very, very important to look at the  
16 socio-economic environment from that vantage point.

17 The next point I want to make is that  
18 while we have gone to the trouble of identifying  
19 approximately 18 stakeholder groups, it is important to  
20 understand that individuals can belong to more than one  
21 group. In other words, the distinctions aren't nearly  
22 as clear cut perhaps as is suggested here.

23 For example, under the general category  
24 of local and traditional users, we have identified a  
25 group called native people and, in doing so, we have

1 indicated that they have specific values and concerns  
2 relative to the socio-economic environment that have to  
3 be recognized in timber management planning.

4 At the same time, I think you can  
5 appreciate that native people can also be hunters,  
6 commercial fishermen, trappers, tourist operators and  
7 they can work in the forest industry. So that the  
8 concerns of those groups may also be the concern of  
9 native people.

10 The next point I would like to make is  
11 that various stakeholder groups also share many  
12 concerns and if you go through the material here I  
13 think that the first thing you notice is that there is  
14 an awful lot of tables -- there is an awful lot of  
15 stakeholder groups, but if you look at them you find  
16 that there is a great deal of repetition.

17 And the reason is simply that a number of  
18 the concerns have fairly common currency among these  
19 groups. I think there is wide-spread concern for  
20 aesthetics, there is wide-spread concern for fish, fish  
21 habitat and water quality and, as a result of that,  
22 many of the concerns repeat themselves across the whole  
23 spectrum of stakeholders groups.

24 The values and concerns that we have  
25 identified here, the thing that I think really



1 distinguishes them to some extent from some of the  
2 other effects that we are dealing with in previous  
3 evidence, is that they can be both quantitative and  
4 qualitative.

5               You will note that there is reference to  
6 salaries, jobs, revenues, taxes, and these have a very  
7 quantitative dimension, but there is also reference to  
8 aesthetics, remoteness, wilderness, isolation and these  
9 are often very emotive; they are based on, to a large  
10 extent, the attitudes, opinions and beliefs of the  
11 various stakeholders, either individuals or groups.  
12 They are considerably more difficult to measure  
13 objectively, but they are nevertheless very important  
14 in arriving at decisions on appropriate practice.

15               The list of effects is not exhaustive.  
16 To the extent that we have put a list together, it is  
17 our best estimate of the kinds of values and concerns  
18 that the various stakeholders have, but given that it  
19 does represent the values/concerns of various  
20 stakeholders, I think it is important to emphasize the  
21 fact that we rely on the timber management planning  
22 process in our day-to-day interaction with these groups  
23 to allow us to identify -- allows them to tell us  
24 really what their particular concerns are.

25               So the list is general and it doesn't

1 reflect all cases. It certainly doesn't necessarily  
2 reflect the individual values or concerns of individual  
3 naturalists, native people or trappers.

4 The next point I want to make is that the  
5 focus of the evidence to a large extent is on the  
6 management unit level. Now, when I say that, I think  
7 if you think back to the evidence that was presented in  
8 Panels 6 in particular and, to some extent, in Panel 5  
9 there was a more general discussion of socio-economic  
10 concerns in those two panels.

11 In this particular panel I have tended to  
12 focus on the socio-economic environment at the  
13 management unit level because in timber management  
14 planning that is where many of the -- most of the  
15 decisions are made. But in the latter part of my  
16 evidence today I will try and make some general  
17 comments across the area of the undertaking in terms of  
18 the various stakeholders that we are dealing with.

19 The next point I would like to make is  
20 that when we dealt with the aspect of harvest we had  
21 great difficulty separating it from the other  
22 activities of timber management.

23 When I asked -- or attempted to put  
24 together information on the effect of, for example,  
25 harvest on the tourist industry it was virtually

1 impossible to deal with harvest in isolation from  
2 considerations of access. So that you will see in the  
3 evidence and in my comments considerable reference to  
4 harvest and associated access and that is simply a  
5 recognition that, to a large extent, it's very hard to  
6 separate these things.

7 Just one or two last points. Mitigating  
8 socio-economic effects is not limited to the Tourism  
9 Guidelines. I will be emphasizing the Tourism  
10 Guidelines this morning because other panel members  
11 have or will talk about both the Fish and the Moose  
12 Guidelines and, to some extent, other implementation  
13 manuals were identified in Panel 8.

14 In making that comment, you will notice  
15 that if you go through the individual tables you will  
16 often see that a particular effect is identified, for  
17 example, an effect on fish, fish habitat and water  
18 quality and there will be a list of potential measures  
19 and they will include the Code of Practice, the Fish  
20 Guidelines, the Moose Guidelines and the Tourism  
21 Guidelines.

22 All of these collectively can help to  
23 prevent, minimize or mitigate socio-economic effects  
24 and one of the really important points that I think you  
25 have to understand is many of the socio-economic



1 effects are the indirect result of effects on the  
2 aquatic or terrestrial environment and so that  
3 harvesting may affect -- may create erosion and  
4 sedimentation, may affect water quality which may  
5 affect fish habitat, which may affect fishing quality,  
6 which may affect the rate of return of visitors to  
7 tourist establishments.

8 Now, there is an awful lot of 'mays'  
9 there and I have stressed that because we are dealing  
10 with a great deal of uncertainty particularly when we  
11 look at this thing -- these effects in a very general  
12 way.

13 Q. Mr. Clark, there is a statement in  
14 your paper that says:

15 "Mitigation does not simply involve the  
16 application of implementation manuals."  
17 Does that particular statement have any relevance or  
18 application to the tables that form part of your paper?

19 A. I did the tables first and then I  
20 wrote the introduction and when I went through the  
21 tables I probably reached the same conclusion that the  
22 Board did: Well, they just said the same thing over  
23 and over again here, apply the tables, or at least  
24 apply the guidelines, apply the guidelines. And I  
25 found that I reacted quite negatively to that.

1                   Yes, we use the guidelines, they do  
2     provide direction. The point I want to emphasize is  
3     the point that was really raised in Panels 7 and 8,  
4     that you should not see the tables as an indication of  
5     how it is always done or must been done. In other  
6     words, we are not recommending an inflexible  
7     prescription. What we want to do - and I think what we  
8     have stressed in previous evidence - is achieve a  
9     balance between Ministry direction; that is, the  
10    application of those kinds of implementation manuals  
11    that are identified in the tables, achieve a balance  
12    between the use of those manuals and professional  
13    judgment, public consultation and the specific  
14    requirements of the local situation.

15                  And I think this is extremely important  
16    in dealing with socio-economic effects because, as I  
17    said before, to a large extent these effects are  
18    defined in terms of the values and concerns of the  
19    various stakeholders at the local level.

20                  Q. Now, in terms of the tables that form  
21    a fair chunk of the paper and, more particularly, the  
22    listing of potential effects, the middle column of the  
23    tables refers to potential socio-economic environmental  
24    effects.

25                  Is there any expectation as to whether

1       these effects will be caused by harvesting activities?

2                   A.   When I put this evidence together I  
3       wanted to put a reasonably complete list of - and I  
4       stress the word potential effects - I wanted to put  
5       together a reasonably complete list of the potential  
6       effects of harvest.   And way I did that was to, first  
7       of all, review the evidence of previous witnesses  
8       because, as I pointed out, many of the socio-economic  
9       effects are the indirect result of the effects of  
10      harvest on the terrestrial and aquatic environment.

11                   And then the second source of information  
12      for putting together this material was referring to  
13      field staff and my own experience in terms of their  
14      experience in dealing with stakeholders on a day-to-day  
15      basis.   So that there is a considerable amount of  
16      subjectivity here in attempting to glean information on  
17      what we think we know about these groups.

18                   So we end up with a list of potential  
19      effects.   And I think this has been pointed out by a  
20      number of other witnesses, our understanding of the  
21      dynamics of resource management systems and the affects  
22      of harvest is incomplete and I think it is in this  
23      context fair to say that there is a great deal of  
24      uncertainty as to the significance of many of these  
25      effects.   I think we identify a direction, but they are

1 strictly potential effects.

2 The point I would like to make is they  
3 are based on the assumption that the majority of them  
4 would occur in the absence of sound environmental  
5 management. And by sound environmental management, I  
6 mean management that gives explicit potential --  
7 consideration to the potential effects on the  
8 environment and which takes measures to prevent,  
9 minimize or mitigate them.

10 In the context of what we are -- our  
11 evidence, what this means is that these effects would  
12 occur in the absence of following the requirements of  
13 the Class Environmental Assessment in terms of timber  
14 management and -- in terms of timber management  
15 planning that is, and in terms of applying the various  
16 guidelines.

17 Q. And when you refer to applying the  
18 Class Environmental Assessment, would that include the  
19 provisions which we have referred -- we have heard  
20 about in terms of the opportunities for public  
21 consultation and having a process which is consistent  
22 across the area of the undertaking?

23 A. That's correct.

24 Q. Now, you indicated briefly, I think  
25 in your opening remarks, that the values such as



1       aesthetics, remoteness and wilderness are not as  
2       readily defined as some of the other values. And does  
3       that cause difficulty in dealing with and during  
4       resource management planning, including timber  
5       management?

6                   A. Yes, it can cause some difficulty.

7                   Q. And could you explain in general  
8       terms what those difficulties are?

9                   A. Well, I guess the best way I can  
10      explain it is to go back to the concept of stakeholders  
11      and re-emphasize the fact that different individuals  
12      and groups can have different attitudes and opinions  
13      and beliefs, or values is perhaps amore general word  
14      and, as a result, they respond to the environment in  
15      different ways.

16                   And I think I already mentioned - and I  
17      am sure you are aware - that, as I say, cottagers  
18      respond differently than local anglers and hunters and  
19      so on and so forth and, as a result, there is values  
20      like aesthetics, remoteness, wilderness, isolation are  
21      very difficult to define objectively.

22                   In a number of cases attempts have been  
23      made to define or institutionalize certain values.  
24      Perhaps the best example I can think of is, for  
25      example, in the Provincial Parks System we have

1 attempted to define wilderness for the purposes of the  
2 parks system in terms of size, area, configuration,  
3 permitted uses and so on and we have defined that  
4 really in terms of a fairly narrowly defined  
5 stakeholder group.

6 I think the point I would make here is  
7 that we have done that, we do have a definition but we  
8 don't have, by any means, a hundred per cent support  
9 for that definition.

10 The point I am making here is that where  
11 people or groups' perception of what is acceptable in  
12 terms of the qualitative values like aesthetics or  
13 remoteness may be quite different and, as a result, it  
14 is difficult to find a set of rules or solutions that  
15 apply in all situations when you are attempting to deal  
16 with these values or, in particular, when you are  
17 attempting to deal with the effects of harvest and come  
18 up with prescriptions that are suitable in preventing,  
19 minimizing or mitigating effects.

20 Q. Do you believe there are any risks  
21 involved in actually defining a set of rules or  
22 solutions which would apply in all situations?

23 A. Well, I think the risk you run is  
24 that you may prevent understanding of the real  
25 situation and you may apply a general rule that doesn't

1 have or isn't particularly useful in the site-specific  
2 situation.

3 Q. If you have these different values by  
4 different stakeholder groups that is difficult to  
5 define a set of rules or solutions which will apply in  
6 all situations, how do you deal with the problem, if I  
7 can use that term, of addressing these particular  
8 values and concerns during planning?

9 A. Well, when we were preparing this  
10 evidence we talked about this a lot, and the best  
11 description of what I think is required is that you  
12 have to sit down around a table and find out what the  
13 concerns of people are, and this is fundamental to  
14 dealing with socio-economic effects when you are  
15 dealing with stakeholder groups. So that communication  
16 consultation is an essential ingredient.

17 Now, in the sort of institutionalized  
18 setting of timber management planning, I would  
19 emphasize that you need a planning process, which we  
20 have here, that provides formal opportunities for the  
21 planning team to be in direct contact with various  
22 stakeholders.

23 Q. You indicated that a major tool for  
24 providing direction in terms of dealing with some of  
25 these values, many of which you have described as

1        qualitative in nature, was or is the Tourism  
2        Guidelines?

3                    A.    That's correct.

4                    Q.    And I understand that you would like  
5        to review or highlight certain portions of that  
6        particular guideline?

7                    A.    That's correct.

8                    Q.    All right.

9                    MR. FREIDIN:    And it's for that purpose,  
10       Mr. Chairman, that we have provided a bundle of  
11       documents, the cover of which says Background  
12       Information and Examples.    These are copies of  
13       overheads that Mr. Clark will use in order to explain  
14       the Tourism Guidelines.

15                   Perhaps we could just mark the overheads  
16       as separate exhibits as we go along.

17                   THE CHAIRMAN:    Very well.

18                   MR. CLARK:    What I would like to do is to  
19       talk a little bit about why the Tourism Guidelines were  
20       developed, how they were developed, who they are for,  
21       and I would like to spend a bit of time talking about  
22       the way they are organized and used.

23                   Has everyone got a copy of the...?

24                   The first thing I want to talk about is  
25       the --



1 THE CHAIRMAN: So that can start off  
2 being Exhibit 466.

3 MR. FREIDIN: Yes overhead entitled:  
4 Tourism Guideline Development Process.

5 ---EXHIBIT NO. 466A: Overhead entitled: Tourism  
6 Guideline Development Process.

7 MR. CLARK: Now, as I recall, Mr. Pyzer  
8 spoke briefly about the Tourism Guideline development  
9 process but I think it might be appropriate for me to  
10 very quickly summarize that process again because I  
11 think there is some important points worth noting.

12 The development of the Tourism Guidelines  
13 came about primarily as a result of a request from  
14 NOTOA, the Northern Ontario Tourist Outfitters  
15 Association, to MNR in which they requested that we  
16 prepare guidelines for the protection of scenic values.  
17 And this request came about I think in 1985, just at  
18 the time when we had completed SLUP and DLUG and were  
19 in the process of producing draft guidelines for moose  
20 and fish.

21 I should also point out that that the  
22 Ministry also recognized a need to prepare guidelines  
23 if not for scenic values at least to deal with some of  
24 the more general tourism values that we recognized to  
25 be dealt with in timber management planning.

1                   We agreed to do that, and the next step  
2                   in the process was to hire a consulting firm and that  
3                   was Jim Stansbury & Associates. He was hired in  
4                   January 1985 to act as a facilitator and I think the  
5                   important point I want to make here is that at the  
6                   outset when we got involved in the production of these  
7                   guidelines, the government - in this case the  
8                   ministries of MNR - or the Ministry of Natural  
9                   Resources and the Ministry of Tourism wanted to  
10                  distance themselves from the process.

11                  So that when the guidelines were produced  
12                  they were guidelines where there was a significant  
13                  ownership on the part of the industry; that is, the  
14                  forest industry and the tourism industry and the most  
15                  obvious way of dealing with that was to hire a  
16                  consultant as a facilitator.

17                  At the same time as the consulting firm  
18                  was retained, a steering committee was established and  
19                  the steering committee was made up of two members from  
20                  the Northern Ontario Tourist Outfitters Association,  
21                  two members from the forest industry and a  
22                  representative from the Ministry of Natural Resources  
23                  and the Ministry of Tourism and Recreation.

24                  That committee was chaired by Jim  
25                  Stansbury the consultant and the principal objective in

1 having a steering committee was just to provide overall  
2 direction, advice, review and recommendations on the  
3 process and the product.

4 The next step in the process - and this  
5 is really the critical part in terms of how the  
6 guidelines were developed - was that a series of  
7 regional workshops, two series of regional workshops  
8 were held in North Bay, Sault Ste. Marie, Timmins and  
9 Dryden, and the attendance at those workshops were made  
10 up of approximately five people from the forest  
11 industry who would be locally based; in other words,  
12 you would have people from the North Bay area attending  
13 the workshop in North Bay.

14 Five people from the forest industry and  
15 five people from the tourism industry, so you would  
16 have about ten people and the facilitator. And in the  
17 first round of workshops, the principal objective was  
18 to spend time together identifying issues and concerns  
19 from both the point of view of the forest industry and  
20 the tourism industry and trying to reach some consensus  
21 on what the issues were and what the significant  
22 problems -- what problems should be dealt with in the  
23 guidelines.

24 They were held during April and May of  
25 1985 and in August 1985 a second round of workshops

1 were held in the same location with the same  
2 participants and, in those workshops, the various  
3 workshop teams reviewed a set of draft tourism  
4 guidelines.

5 Now, the Ministry of Natural Resources  
6 and the Ministry of Tourism were in attendance at those  
7 meetings, but I want to stress that they were there  
8 strictly to provide information on policy, background  
9 information, and were normally not directly involved in  
10 the discussions or the development of the proposed  
11 guidelines.

12 Subsequent to those workshops, the draft  
13 tourism guidelines were completed and they were  
14 presented at the NOTOA Convention in Thunder Bay here  
15 in November 1985. They were submitted in draft form  
16 and, at the time that they were submitted, a panel  
17 discussion was held involving representatives from  
18 NOTOA, MNR, MTR.

19 I can recall that situation because I was  
20 at the NOTOA Convention, many of the tourist operators  
21 from my district were there and I think within about  
22 two weeks of the time that we completed those, those  
23 drafts guidelines were handed out for inspection, I had  
24 tourist operators come into my office in Wawa with a  
25 large number of FRI maps that they had got from our



1 timber staff with a host of values and areas of  
2 concern. They didn't call them those at the time, but  
3 on those maps...

4 I guess the point I am making is that the  
5 impact of having these, at least then, was almost  
6 immediate and I think what it told me was that the  
7 guidelines provided a focus and provided a certain  
8 amount of direction that enabled tourist operators to  
9 structure their efforts. And what that meant in terms  
10 of MNR was that it allowed us to understand better what  
11 their concerns were because they were actually putting  
12 them on paper.

13 Subsequent to the NOTOA Convention, the  
14 draft tourism guidelines were sent to provincial  
15 interest groups for review and they were -- the list  
16 was the Class Environmental Assessment mailing list.  
17 And in my discussions with Gord Pyzer who was -- Mr.  
18 Gord Pyzer who was the representative on that  
19 committee, there were no significant concerns that  
20 required major changes to the guidelines as a result of  
21 that process.

22 The approved guidelines that you have  
23 right now were released in November, 1986 by both MNR  
24 and MTR and they were released at the NOTOA Convention  
25 in Sudbury.

1 MR. FREIDIN: Mr. Chairman, just for the  
2 record, the guidelines, Timber Management Guidelines  
3 for the Protection of Tourism Guidelines has been  
4 marked as Exhibit 379.

5 And if I could perhaps suggest that  
6 rather than marking all those overheads as separate  
7 exhibits, perhaps we should just mark them all as one  
8 exhibit and just do them A, B and C.

9 THE CHAIRMAN: Okay. Well, the package  
10 will be then Exhibit 466 and the first one that we just  
11 dealt with will be 466A and just continue on down the  
12 list, Mr. Clark, B, C, D and E, et cetera.

13 MR. CLARK: The next subject I would like  
14 to talk about is who are the potential users of the  
15 guidelines. And you will notice in my discussion on  
16 the ways these guidelines were developed that I put a  
17 lot of emphasis on commercial tourist operators, and  
18 there is no doubt in my mind that the principal motive  
19 for doing these initially was to satisfy the  
20 requirements of that particular stakeholder group.

21 So the principal users are the Ministry  
22 of Natural Resources, Ministry of Tourism, and I should  
23 stress managers in the forest industry because the  
24 essential theme in the guidelines is that the decisions  
25 arrived at concerning tourism values have to be arrived

1 at through a collaborative process, and last, the  
2 members of tourism industry who operate resource-based  
3 tourism establishments.

4 ---EXHIBIT NO. 466B: Overhead entitled: Potential  
5 Users of Tourism Guidelines

6 MR. CLARK: Now, having said that, I want  
7 to stress though that there is another group of users  
8 for whom these guidelines also have general application  
9 and those are cottagers, campers, canoeists, hikers,  
10 snowmobilers, cross-country skiers. That list isn't  
11 exhaustive, it is basically not limited to commercial  
12 operators, and that reference is made very strongly on  
13 page 1 of the introduction.

14 There has been some confusion I think  
15 from time to time about this and I want to emphasize,  
16 certainly from the point of view of the Ministry, we  
17 use these guidelines. If we were dealing with problems  
18 that relate to aesthetics, it really doesn't make an  
19 awful lot of difference to us whether we are dealing  
20 with a commercial tourist operator or a cottagers'  
21 association. The same kinds of principles and the same  
22 kind of process is required to deal with the problem.

23 MR. FREIDIN: Q. And the reference that  
24 you make to the Tourism Guidelines is referenced at  
25 page 1?

1 MR. CLARK: A. That's correct, of the  
2 introduction, I believe.

3 Q. Perhaps you could just identify where  
4 on page 1 the reference that you refer to is found?

5 A. It is page 1, the second paragraph.  
6 I will just read it, it says:

7 "The manual will also be of interest to  
8 a wide variety of user groups and  
9 individuals seeking information on the  
10 timber management process; cottagers,  
11 campers, canoeists, hikers, snowmobilers,  
12 cross-country skiers can all be affected  
13 by timber management."

14 And the paragraph following that indicates that the  
15 guidelines have general application to those groups as  
16 well.

17 Q. Okay. If the guidelines were  
18 developed by tourism operators and the forest industry,  
19 how can they work for the wider audience of cottagers,  
20 hikers, canoers and those other stakeholder groups?

21 A. Well, I guess if you look at the  
22 guidelines, and certainly when we go through them, what  
23 you will find out about these guidelines is that they  
24 don't offer a lot of very specific direction; what they  
25 offer is a range of alternative solutions to general



1 problems concerning aesthetics, concerning remoteness,  
2 concerning noise, visual amenities. And what they  
3 emphasize is a range of solutions. And the other thing  
4 that they emphasize over and over again is the need for  
5 a collaborative process whereby the affected parties  
6 get together and attempt to achieve consensus.

7 So that, as I pointed out earlier, a  
8 tourist operator may have concerns about aesthetics and  
9 a cottager may have concerns about aesthetics; they may  
10 be somewhat different, but the process for arriving at  
11 an appropriate prescription is the same.

12 Q. On Exhibit 466B in the third bullet,  
13 you say:

14 "Managers in the forest industry at all  
15 levels."

16 What do you mean by at all levels?

17 A. Well, I think what we are dealing  
18 with here is an educational tool and people at all  
19 levels of the Ministry of Natural Resources or the  
20 forest industry or the tourism industry can read this  
21 document and I think develop a better appreciation for  
22 the values and concerns of both groups that -- or both  
23 sets of values, if you want, that are identified here.

24 For example, there is a section on basics  
25 which outlines some basic background information in

1 both the forest industry and the tourism industry and  
2 it is, in my view, among other things an educational  
3 tool, it heightens the awareness of the various  
4 problems that people on both sides of the issue have.

5 MR. FREIDIN: And you are showing the  
6 slide which would be 466C entitled: Organization of  
7 Tourism Guidelines.

8 ---EXHIBIT NO. 466C: Overhead entitled: Organization  
9 of Tourism Guidelines.

10 MR. CLARK: I want to talk briefly about  
11 the organization of the guidelines. Before I do, I  
12 think there is a few general comments I would like to  
13 make about the document itself. I would describe it  
14 generally as pretty straightforward and user friendly.  
15 I don't like the term but I think, in this case, it is  
16 appropriate.

17 There is a lot of information packed into  
18 this document, but I think it is portrayed in a pretty  
19 straightforward way. It is easy to understand and it  
20 is well indexed, so it is easy to find your way around  
21 in this document. It is also set up so that it can be  
22 updated periodically and small enough that you can put  
23 it on the dash of a vehicle or next to your bed, for  
24 that matter.

25 Now, in terms of the organization, the

1 document is divided up into five parts. Initially the  
2 first section deals with process - and I am going to  
3 come back to each one of these - then it talks about  
4 the basics of the two industries that are involved,  
5 tourism and forest industry, it indentifies a number of  
6 concepts that are important to understand in trying to  
7 arrive at appropriate prescriptions when we are dealing  
8 with tourism values, and then it identifies a series of  
9 general guidelines and, finally, it provides some  
10 examples.

11 And what I would like to do is just talk  
12 about -- just highlight some elements of each of those  
13 five sections that I think are perhaps important.

14 MR. FREIDIN: Mr. Chairman, the five  
15 sections or topics that are referred to basically are a  
16 reproduction of the five tabs which you find right  
17 across the top of the page -- right across the top of  
18 the book.

19 MR. CLARK: I stress the fact that to  
20 some extent this document is an educational tool, and  
21 in the first section under process a number of subjects  
22 are introduced, not in a great deal of detail but  
23 perhaps sufficient detail to heighten the awareness of  
24 the two parties and allow them to basically understand  
25 how the process that they are involved in evolved.

1                   This section introduces, first of all,  
2                   the Environmental Assessment Act and it is really  
3                   trying to put the context -- put timber management  
4                   planning and the integration of other values in timber  
5                   management in context. So it talks, first of all,  
6                   about the Environmental Assessment Act; it talks about  
7                   the Class Environmental Assessment for Timber  
8                   Management as being a response to the requirements of  
9                   that Act.

10                   And in talking about that Class EA it  
11                   talks specifically about the direction it has provided  
12                   in certain timber management planning. It also talks  
13                   about the policy which was introduced in Panel 1  
14                   concerning the integration of other resource values in  
15                   timber management. And, finally, it talks about the  
16                   decisions on options.

17                   Now, what I would like to do is just  
18                   visit the section dealing with decisions on options  
19                   because I think that may serve to highlight some of the  
20                   content in this section, and I am not going to spend a  
21                   lot of time on it.

22                   This section included a number of  
23                   diagrams that were, in effect, process oriented or are  
24                   there presumably to assist people in understanding how  
25                   we arrive at decisions. And I am going to run through



1 a couple of these, three of them, because I think they  
2 may relate to the undertaking.

3 MR. FREIDIN: Mr. Chairman, 466D, E and F  
4 are reproductions of pages 10, 11 and 12 of Exhibit 379  
5 which is the Tourism Guidelines.

6 THE CHAIRMAN: Very well.

7 ---EXHIBIT NO. 466D: Overhead entitled: The Planning  
8 Process for the Integration of  
9 Other Resource Values in Timber  
10 Management Five-Year Plan of  
Operations (Page 10 of the  
Tourism Guidelines).

11 ---EXHIBIT NO. 466E: Overhead entitled: Mandatory  
12 Process for the Integration of  
13 Other Resource Values in Timber  
Management (Page 11 of the  
Tourism Guidelines).

14 ---EXHIBIT NO. 466F: Overhead entitled: Recommended  
15 Process for Reaching Decisions on  
Areas of Concern (Page 12 of the  
Tourism Guidelines).

16 MR. CLARK: This first diagram is called  
17 the Planning Process for the Integration of Other  
18 Resource Values in Timber Management, Five-Year Plan of  
19 Operations. I think it is a relatively simple diagram  
20 and all it is trying to do is basically talk about how  
21 decisions, or at least the fact that decisions have to  
22 be made concerning where operations will occur and how  
23 operations will occur.

24 I think there is two basic considerations  
25 there and, in that context, it talks about the

1 selection of areas of operations is Step 1. In Step 2  
2 it talks specifically about the identification of  
3 specific areas of concern that require resource  
4 protection. And in Step 3 it talks about the  
5 determination of operations, and I think makes an  
6 important distinction between areas of concern, and it  
7 does provide a definition for area of concern that's  
8 consistent with what we have advanced in our evidence,  
9 and it talks about normal operating areas. It makes  
10 the distinction.

11 And these are all things that normally  
12 when we would meet with tourist operators or cottagers  
13 associations and we were trying to explain how we  
14 arrived at decisions, these are all things we would  
15 normally have to explain.

16 The last point I would want to make in  
17 this particular diagram has to do with the very bottom  
18 line where we are really talking about decisions on  
19 options. And under areas of concern it makes the point  
20 that you can have: No operations; that is, a reserve;  
21 details of access; modified operations; or, normal  
22 operations. And it provides some direction in terms of  
23 how you might arrive at those decisions.

24 Now, I would describe this as a one-of  
25 diagram in the sense that you will be getting a great

1 deal of more detail on the timber management planning  
2 process, and specifically more detail on the  
3 comprehensive planning process for areas of concern  
4 when you get to Panel 15.

5 What these diagrams really try and do is  
6 focus on certain aspects of that process. And, in this  
7 particular case, I think this one is highlighting the  
8 fact that there are a number of choices that you can  
9 make in areas of concern.

10 One comment I would make about these  
11 diagrams is that they were developed prior to the time  
12 when we had completed the evidence in the Class  
13 Environmental Assessment, so that the way they are  
14 structured and perhaps some of the terminology isn't  
15 exactly the same as you will see when you get into  
16 Panel 15 and you get into a more detailed discussion of  
17 the planning process.

18 I will go through these other ones a  
19 little bit more quickly. All these diagrams contain a  
20 lot of the same messages. This one takes a somewhat  
21 broader perspective and starts at the 20-year planning  
22 period. It is called the Mandatory Process for the  
23 Integration of Other Resource Values in Timber  
24 Management, and it basically outlines the steps in a  
25 very general way moving from the 20-year planning

1 period to the 5-year -- what they call the 5-year  
2 operating period.

3 It basically highlights -- I think the  
4 points that I would like to highlight in terms of this  
5 diagram is it makes reference to basic environmental  
6 and other requirements governing timber operations on  
7 Crown land and, in talking about that, it talks about  
8 normal forestry operations and areas of concern. It  
9 makes the distinction again.

10 I think in talking about basic  
11 environmental and other requirements, it is referring  
12 to things like silvicultural ground rules and the  
13 Operational Manual for Access Roads and Water Crossings  
14 which will be introduced in Panel 15 -- 14.

15 I think the important part about this  
16 diagram is the section that I have outlined in orange,  
17 and the message there for tourist operators, cottagers  
18 and so on is that there is these guidelines, in this  
19 case, moose, fish and tourism that can be used and are  
20 used in arriving at decisions concerning either  
21 modified access or modified operations or the  
22 establishment of reserves.

23 So that second diagram -- the first  
24 diagram basically dealt with where and how, the second  
25 diagram dealt with tools that are available in a very



1 general way, and I think the message on the last  
2 diagram that is included in this section is, who are  
3 the actors in this process.

4 And I have highlighted in green the  
5 primary actors being, of course, the Ministry of  
6 Natural Resources, the forest products company, tourism  
7 operators and, in this case, the Ministry of Tourism  
8 and Recreation, and I would like to stress other  
9 participants and interest groups.

10 It is often the case that in dealing with  
11 tourism values we are dealing with, for example, the  
12 individual tourist operator, the forest company, the  
13 Ministry of Natural Resources and the Ministry of  
14 Tourism and Recreation in the development of  
15 prescriptions. However, there are many cases when  
16 decisions concerning modifying operations will involve  
17 other parties as well.

18 And if, for example, you are dealing with  
19 an issue of access, the tourist operator may have a  
20 very strong view about the appropriateness of extending  
21 access into a particular area. Other participants like  
22 people and local anglers and hunters in a particular  
23 community may have very, very different views.

24 The point I am making here is that all of  
25 these people have to be brought together in this

1 process. If there was one shortcoming in this  
2 particular diagram, I would say that the number of  
3 arrows linking the various participants together are  
4 too limited. So that's the section on process.

5 I have already spoken to the section on  
6 basics and I consider the basic section background  
7 reading and that's exactly how they describe it. It  
8 talks about the tourism industry, it doesn't limit  
9 itself to a discussion of remote tourism, it talks  
10 about other commercial facilities, road accessible  
11 facilities, it talks about canoe routes, access points,  
12 commercial campgrounds and so on.

13 But it does provide a general description  
14 of the tourism industry and it does highlight -- no  
15 doubt about it, it does highlight the remote tourism  
16 industry, and it does talk about some of the values  
17 that are of concern to that industry, specifically  
18 aesthetics and remoteness.

19 Q. That particular section also provides  
20 for the user a description of the different  
21 silvicultural systems which were spoken to by Mr.  
22 Hynard?

23 A. That's correct. And, in fact, that's  
24 one point I was going to highlight. The only way you  
25 can get into a meaningful discussion about what

1 appropriate prescriptions should be adopted in dealing  
2 with the effects of harvest on some of these values is  
3 through an understanding of the various silvicultural  
4 systems that you are working with.

5 So part of the information under the  
6 forest industry, other than the fact that it stresses  
7 the significance of the industry, is the fact that  
8 these systems occur and it provides some background  
9 information on them.

10 The last part on basics, the part I  
11 wanted to stress was that - and I want to emphasize  
12 this thing - these guidelines were put together by the  
13 two industries and the part that struck me when I went  
14 through it is that there is a fairly strong statement  
15 in the latter part on the section on basics where it  
16 stresses the need for the mutual responsibility of both  
17 industries to work on a collaborative basis to reach  
18 consensus.

19 Q. That's referring, I think, primarily  
20 to Section 2.3 which is on page 24 and 25 of the  
21 guidelines.

22 A. The third section deals with concepts  
23 and in that section they are basically attempting to  
24 provide a series of examples of concepts that should be  
25 kept in mind when you are developing prescriptions.

1                   So it talks about visual analysis and  
2                   aesthetics and it has a section that talks about the  
3                   appropriate use of reserves - and I use the term  
4                   reserves in the sense of no operations, no harvesting -  
5                   and it shows a number of instances where it might be  
6                   appropriate to have reserves in place.

7                   For example, it talks about the  
8                   establishment of reserves in the immediate vicinity of  
9                   tourist operations and it relates -- and it talks about  
10                  establishing reserves on navigable water corridors,  
11                  linked lakes that are confined. There is a number of  
12                  general instances like that that are identified in this  
13                  section.

14                  And, finally, it has a section on  
15                  defining the reserve boundaries. I want to talk --  
16                  expand on this section just a little bit because, in a  
17                  historical perspective, in terms of the way we do  
18                  business now, I think that this particular section is  
19                  particularly -- is important.

20                  The section on reserves introduces one  
21                  which -- at face value, one very simple concept and  
22                  that concept it says that fixed dimensions produce  
23                  variable results, variable dimensions produce fixed or  
24                  predictable results. And this is a relatively simple  
25                  example, but I think it serves to highlight an issue



1       that's been of considerable interest both to the  
2       Ministry of Natural Resources, the industry, the forest  
3       industry, and to other stakeholders.

4                   MR. FREIDIN: And if I might just  
5       interrupt, the next two Exhibits 466G and H are  
6       reproductions of page 39 and 38 of the guidelines  
7       respectively.

8       ---EXHIBIT NO. 466G: Overhead reproduction of page 39  
9                                   of the Tourism Guidelines.

10      ---EXHIBIT NO. 466H: Overhead reproduction of page 38  
11                                   of the Tourism Guidelines.

12                   MR. CLARK: Now, we would define this as  
13      a standard width reserve.

14                   And if you read through the Timber  
15      Management Guidelines they highlight the fact that  
16      traditionally there was a tendency to either want and  
17      in fact put in place fixed width reserves.

18                   So it wasn't uncommon, for example, as a  
19      normal course to establish a 400-foot or 120-feet of  
20      reserve on waterbodies and this was sort of applying a  
21      rule of practice in a fairly consistent way everywhere  
22      or in many instances.

23                   And if you look at the implications of  
24      that in terms of a certain set of objectives, you find  
25      that this kind of approach is often wanted and so, in

1       this particular case, if the objective were to maintain  
2       aesthetics and produce wood supply, what you have is a  
3       relatively flat shoreline area with a hill in the  
4       background.

5                       If you put, in this case we will say a  
6       400-foot reserve in place, and what you find is that  
7       you remove too much timber and the scenic hill is  
8       exposed you have got a flat area which is in effect  
9       overprotected or perhaps is overprotected simply  
10      because it is not required in order to maintain the  
11      visual resource.

12                     And I think this sort of emplifies the  
13      risk you run, as I pointed out in my introductory  
14      comments, of attempting to define rules, particularly  
15      when you are dealing with qualitative values and also  
16      when you are dialing with situations that are highly  
17      variable at the local level.

18                     Now, the other way of looking at this  
19      would be the variable with reserve.

20                     MR. FREIDIN:  Q.  Referring to 466H or  
21      page 38 of the guidelines.

22                     MR. CLARK:  A.  The variable with reserve  
23      which protects the scenic hill feature is somewhat  
24      narrower in instances where the shoreline is flat and  
25      you won't get visual penetration.

1                   The point I want to make here is that I  
2           think the message here is that in designing reserves,  
3           whether they be tourism reserves or reserves for moose  
4           or fish or other purposes, it is important to establish  
5           what your objectives are and design the reserve to meet  
6           those particular objectives, not to simply apply a  
7           formula that may not recognize the local situation.

8                   Now, having said that, the point I would  
9           like to make I think - and I think that I maybe able to  
10          provide a couple of very brief examples - is that in  
11          tree singling we are making use of this kind of reserve  
12          and I think it is accepted by the forest industry and  
13          by the other stakeholders that this is an appropriate  
14          means of dealing with concerns.

15                  When I got to Wawa District, for example,  
16          I can recall that prior to my getting there the unit  
17          forester on the Magpie Forest, who was Mr. Greenwood at  
18          the time, had had considerable success in establishing  
19          a variable with reserve on Oba Lake and this was one of  
20          our prime tourism lakes, it had a number of tourist  
21          lodges on it and a number of cottages on it.

22                  And there was great concern on the part  
23          of those users that if harvesting activities took place  
24          in the vicinity of the lake, they should do so in a way  
25          that wouldn't compromise the aesthetics on the lake.

1 And it was of some -- well, I was pleased because when  
2 I got there this process had already happened and there  
3 had been extensive negotiation with the cottagers and  
4 tourist operators, there had been field inspections and  
5 Mr. Greenwood had actually flagged that reserve.

6 And, Rich, it might be appropriate if you  
7 just talked a little bit about how that process worked  
8 and how you arrived at, I guess, one defining objective  
9 for the reserve and what process you went through,  
10 because I think it is not simply saying that we need to  
11 define objectives, I guess it is what process we go  
12 through to get at them.

13 MR. GREENWOOD: I think probably the  
14 easiest way to do that would be using a flip chart and  
15 just show the situation.

16 This is a bit impromptu, so if I'm bit  
17 rusty on the facts this is something that happened ten  
18 years ago, but I guess if Mr. Armson can go back to  
19 1957 so easy, I should be able to go back to 1978.

20 Just try and draw the lake to show the  
21 situation that we were dealing with. This lake was, if  
22 I remember it correctly, about ten miles long, wasn't  
23 too wide, a mile and a half to two miles wide. The  
24 harvest operation was on, or going to take place on  
25 about a mile and a half length of the shoreline of that



1 lake back from the shoreline.

2 The lake had three tourist outfitters on  
3 it based on fishing as well as about five or six  
4 private cottages, there was in fact a private cottage  
5 right -- fairly close to the area that was going to be  
6 harvested. The area was bounded with a creek and the  
7 lake itself and then forest behind it. The only access  
8 to this lake was by railway and most of the tourist  
9 outfitters used the railway to bring their customers in  
10 as well as a few fly-in customers.

11 Now, again you have to remember that in  
12 1978 there were no tourism guidelines, there were no  
13 moose guidelines or fish guidelines, there was no  
14 mandatory requirement for public involvement in  
15 management planning, but the type of situation that we  
16 had here was not that uncommon and the way that we were  
17 dealing with it, the way that I will describe, also was  
18 the standard practice on this management unit.

19 When this area was designated for harvest  
20 in an operating plan the people on the lake were  
21 contacted and notified of the harvest and we began  
22 discussions with them to determine how -- what their  
23 concerns would be and how we could best alleviate those  
24 concerns. And on this particular lake, it is fairly  
25 obvious, one of the concerns was aesthetics of their

1 lake, another concern was noise and a third and  
2 probably primary concern of the people on this lake was  
3 access.

4                   They felt that their fishing resource  
5 should be protected and was in fact being protected by  
6 a rather difficult access by rail as opposed to road  
7 and they were -- this was probably their primary  
8 concern, and these were identified by meeting with  
9 these people, in fact there were a series of meetings  
10 over three years. The process of bringing this harvest  
11 to completion took three years and a number of  
12 inspections and meetings with these people and also  
13 with industry and, in fact, we played a role in  
14 bringing the concerned people and industry together so  
15 they could sort out some of the problems themselves and  
16 come to understandings in that format.

17                   Once these concerns were identified we  
18 visited the lake, the biologist and myself flew in and  
19 we spent a couple of days just looking at the terrain.  
20 We had examined areas on photos -- aerial photos, we  
21 knew the lay of the land but we wanted to check it from  
22 the lake, particularly for aesthetics and potential for  
23 access and, in fact, when we were in there the  
24 biologist wanted to ensure that there really were fish  
25 stocks there so we did a casting and a network survey,

1 a sample of two when we were there.

2 What we found was that there was a rather  
3 large hill identified here and a rise in land off the  
4 lake that was - that is this small area here - that was  
5 variable width but something like this (indicating)  
6 along the shoreline and became quite narrow down here.  
7 The lie of the land behind it was rather high here and  
8 was visible from a long ways up the lake, but this was  
9 the primary visible area that we noticed when we were  
10 down on the water.

11 There was a depression behind this area  
12 that was quite low. As soon as you came over this rise  
13 it dropped down, so there was a low area something like  
14 this (indicating). This was almost pure conifer here,  
15 conifer and mixed wood in here, and a large mixed wood  
16 stand that comprised the rest of the area.

17 Q. Mr. Greenwood, could you just put  
18 some identification on the diagram so that we'll know,  
19 if we go back to it, which areas are which.

20 MR. GREENWOOD: A. This was almost pure  
21 black spruce in the lowland, there was a cedar swamp  
22 unmerchantable timber in here.

23 Q. You are marking that Ce.

24 A. Ce for Cedar, correct. Black spruce  
25 Sb and there was mixed wood, black spruce/jack pine,

1 and hardwood, maple/poplar if I remember correctly in  
2 here, and the same thing, this was mainly black spruce.  
3 There was some jack pine and some poplar and this whole  
4 area was quite old, in fact, the stand was quite broken  
5 up. There was some white birch in here too.

6 And as a result the conifer content was  
7 not a heavy component and in harvesting back here there  
8 was going to be quite a heavy residual component.

9 Q. That is in the large block of --

10 A. That's in the large block, some of  
11 which was visible down the lake. And it was our  
12 conclusion from this inspection that the residual  
13 component here would in fact still protect aesthetics  
14 from a long ways down the lake from viewing that area  
15 and our concern was this hill which did have  
16 substantial conifer on it and the shoreline.

17 The situation at that time was  
18 substantial use of fixed reserves and it was my  
19 conclusion that a 400-foot reserve on this lake would  
20 not deal with either the hill, which was a concern, and  
21 would not take advantage of this height of land which  
22 varied anywhere from about a hundred feet to 600 feet.  
23 And if we in fact used a 400-foot reserve there would  
24 be places where it would be quite visible and other  
25 places where we would be right over the hill in fact.



1                   And so it was my conclusion that we  
2           should be trying to use this heighth of land as the  
3           reserve, it would protect the aesthetics from the lake  
4           completely. It was also my conclusion that we needed  
5           to do something with this hillside because it was  
6           fairly steep and it was visible, very visible from all  
7           over the lake.

8                   And, as a result, the reserve that we  
9           finally put in followed this heighth of land and,  
10          therefore, in some places was only a hundred feet from  
11          the shore, but because it was a heighth of land and  
12          dropped over, it would still protect aesthetics and  
13          when we came to the hill we in fact curved around,  
14          protected the top of the hill and then came back down  
15          to almost about a hundred feet from shore, 200 feet  
16          from shore along here, again following the heighth of  
17          land. So harvesting could take place on the backside  
18          of the hill and up to this heighth of land. And that  
19          is how the aesthetics was dealt with.

20                   The second situation was noise and these  
21          camps -- their livelihood was in fact the spring  
22          fishery and so they were very concerned about any  
23          harvest operation during spring. They were also  
24          concerned about the rest of the summer and the fall,  
25          but by September most of their customers had left and

1 in fact two of the lodges closed down in September/  
2 October.

3 So we negotiated with the company that in  
4 order to avoid noise and disruption of the livelihood  
5 of these camps that we would not begin harvest of the  
6 block until fall and that meant -- and the other thing  
7 that the operators were concerned about was the length  
8 the duration of these operations, and it was their  
9 preference that operations be completed in one year so  
10 that there was less chance of disruption of two of  
11 their seasons.

12 So the plan for noise was to go in in  
13 fall and start to harvest this high ground at the back  
14 of the block and then as the ground froze up to move  
15 into the area close to the lake and that would two  
16 things: It would allow the harvest of these black  
17 spruce areas and the low area, but it would also mean  
18 that the road access closer to the lake would be  
19 strictly winter roads which for most part are not  
20 passable in the summer.

21 Now, with the high concern for access we  
22 wanted to ensure that even as winter roads they would  
23 not be passable and so road location became quite an  
24 issue for this harvest. And in fact what we finally  
25 ended up doing was ensuring that no roads ran parallel

1 to the lake which would give easy access, that they ran  
2 perpendicular to the lake and ended at the lake, so  
3 that there was less road close to the lake.

4 We took advantage of this black spruce  
5 lowland which would be quite wet in the summer and the  
6 cedar swamp and ensured that this side of the cut was  
7 accessed only through those lowland areas which would  
8 be totally impassable in summer.

9 As well, when we were locating the road  
10 that would access this block we ensured that before  
11 this block was left 0 and I guess the distance here  
12 would be, I guess, it would be a couple of miles, mile  
13 and a half maybe to the back of this block --

14 Q. And you are referring again now to  
15 the large block?

16 A. This is correct and which would  
17 not -- and so the plan was to have road to this area by  
18 September, move into this block and then we located a  
19 small wet area and ensured that roads did not pass this  
20 point, or this point which would be over half a mile  
21 from the lake.

22 Q. Could you mark the two points on the  
23 diagram where the roads wouldn't pass?

24 A. Until freeze-up and it was calculated  
25 that there would be enough harvest here to keep the

1 operation going throughout the fall and then when  
2 ground was frozen to pass this road through that area,  
3 so that there was now a block of access, even though  
4 some of this was still high, to then move it into the  
5 cedar swamp and link up with the other wet road, the  
6 frozen road and in fact the timber was pulled down to  
7 that road.

8 So that was how access was dealt with.

9 Q. And just for the record, the two  
10 areas where the roads were blocked are designated by a  
11 circle with a plus sign in the middle of it?

12 A. Now, the negotiation that took place  
13 involved meetings on the lake, meetings in town,  
14 meetings with the company, we were working very much as  
15 facilitators in this exercise meeting both with company  
16 defining their concerns and meeting with the concerned  
17 people on the lake, the tourist operators and the  
18 cottage owners and trying to ensure their concerns were  
19 dealt with and, in fact, when the operation was  
20 completed we flew back into the lake and I put most of  
21 the operators on a plane and flew them over the block  
22 so they could see it basically.

23 At this point in time from the lake you.  
24 still, even after that winter operation, could not tell  
25 whether or not there had been an operation in there.



1 We wanted to show them what was in fact behind the  
2 reserve just to give -- show them what had happened to  
3 roads at that point in time and what the cut looked  
4 like from the air. That is about all I can say on  
5 that.

6 Q. All right. And just in your evidence  
7 you referred to a lowland black spruce area where you  
8 put winter roads across. And is that the black spruce  
9 area on the right-hand side of the diagram?

10 A. That's correct. The summer road came  
11 to approximately this point into the fall.

12 Q. Could you mark that with --

13 A. This is end of the summer road and  
14 then the operations spread from here and skidded to  
15 what would be roadside, but the road wasn't constructed  
16 until later in the fall.

17 Now, in actual fact access -- rough  
18 access was available along this road and this road in a  
19 dry condition; in a wet condition you couldn't access  
20 it, so it wasn't in the frozen condition and that is  
21 why ensuring that it entered the swamps before it went  
22 any closer to the lake.

23 Q. All right. And could you just draw  
24 an arrow from where you have written 'end of summer  
25 road'. Over in the lowland black spruce, was that the

1 end of the summer road as well?

2 A. Here?

3 Q. Yes.

4 A. This would be end of all-season road,  
5 this would be driveable in some conditions, and this  
6 would not be accessible at all.

7 So this section, because it was  
8 constructed later in the fall when the ground wasn't  
9 frozen, it still was passable, at least for a short  
10 period of time, although a road such as this would  
11 degenerate quite quickly and I wouldn't know whether  
12 that section is still passable now or not.

13 Q. And the sections of the road that you  
14 think would deteriorate fairly quickly are which  
15 sections?

16 A. Section A and B.

17 Q. So the roads which are not shown as A  
18 or B are roads which would have been put in in the  
19 winter only?

20 A. Yes. This series of road would have  
21 been winter road.

22 Q. All right. And because of the  
23 condition of those areas in the summer you wouldn't be  
24 able to pass?

25 A. We ensured that they were right in

1 the wet areas and, therefore, would not be passable.

2 Q. Thank you.

3 THE CHAIRMAN: Do you want to mark that  
4 Exhibit 467, please.

5 MR. FREIDIN: Yes. I think we just could  
6 call it --

7 MR. GREENWOOD: How about cut on Oba  
8 Lake?

9 ---EXHIBIT No. 467: Hand-drawn diagram depicting  
10 reserve on Oba Lake.

11 MR. FREIDIN: Or resolution. Never mind,  
12 sure.

13 MR. GREENWOOD: Reserve on Oba Lake.

14 THE CHAIRMAN: Maybe we can consider this  
15 as an appropriate time for a morning break.

16 MR. FREIDIN: (Nodding affirmatively)

17 THE CHAIRMAN: 20 minutes.

18 ---Recess taken at 9:50 a.m.

19 ---Upon resuming at 10:10 a.m.

20 THE CHAIRMAN: Thank you, ladies and  
21 gentlemen. Be seated, please.

22 MR. FREIDIN: Q. Mr. Clark?

23 MR. CLARK: A. Thank you. Well, I must  
24 say I get really excited when I deal with examples like  
25 that and I think those are the good memories I have

1 about being a district manager was when my staff were  
2 involved in issues like that and I think that is  
3 probably a good reflection of the kind of  
4 considerations that are brought to bear in dealing with  
5 these kinds of issues.

6 So it is kind of nice for me to revisit  
7 that one and I think there are some really important  
8 points that were demonstrated in that example that  
9 relate to what I have been talking about in general  
10 terms here.

11 The first thing is obviously when you  
12 look at a diagram like this, I think it is very simple,  
13 it is an oversimplification, it basically establishes a  
14 principle from which you work and; that is, you define  
15 objectives and then you design the reserve to suit the  
16 particular situation.

17 I think in the example that Mr. Greenwood  
18 provided you can really see the very, very important  
19 requirement for having local knowledge. You can't  
20 generalize at that level and ever hope to satisfy the  
21 requirements of the tourist operators or tourist  
22 operators on that lake. It is so important to have  
23 somebody who has the working knowledge, the unit  
24 forester and the biologist would have been there, spent  
25 time on that lake and interacted with those people in



1 order to arrive at a decision.

2 I like to blow my horn a little bit about  
3 how knowledge is retained in the district. I can  
4 assure you that Mr. Greenwood hardly had any  
5 opportunity to think about that example, that is why he  
6 was so relaxed and he said it was ten years ago. And  
7 yet you could see that he remembered the details of  
8 that particular site, he knows Linda LeBrun who is the  
9 tourist operator on the lake who had a really vital  
10 concern in this interest and he was able to recall that  
11 information quite quickly.

12 And I think this is not self-serving, I  
13 think it is very important to understand that that is  
14 the level of understanding that our unit foresters and  
15 our other staff achieve in dealing with these  
16 situations. And what it meant to me as a district  
17 manager when I came to Wawa was that I was able to call  
18 the unit forester into my office and one or two other  
19 staff and ask him to give me a briefing on what the  
20 situation was on the lake and I got a description much  
21 the same way as you got here.

22 That allowed me to come far enough long  
23 that I was able to start dealing with those particular  
24 problems. So I think that is a very graphic example of  
25 the way in which that information is transferred.

1                   To be quite honest with you, when we  
2                   decided to deal with this particular example, we wanted  
3                   to see whether there were any bugaboos, so we called  
4                   the unit forester who is there now and we were able to  
5                   find out what the situation on Oba Lake was now.

6                   So I think this is -- the important thing  
7                   here is that you need local knowledge, you need to know  
8                   the actors who were involved in the decision, you have  
9                   to have a good understanding of the site and what you  
10                  need is a general principle that allows you to work out  
11                  a satisfactory solution on a site-specific basis. I  
12                  can't stress how important that is.

13                  And the real fun of doing resource  
14                  management -- timber resource management is dealing  
15                  with all those variables and coming up with what I  
16                  think I would call a creative solution. As I say, the  
17                  good things I remember about that was when we were able  
18                  to meet with people like that and I had good staff who  
19                  brought good knowledge to bear who were able to  
20                  interact effectively with the various parties and come  
21                  up with an appropriate solution.

22                  I should stress the solution wasn't  
23                  always total win one for everyone, it often involves  
24                  compromise. In spite of all our best efforts in these  
25                  kinds of situations, you will rarely find a situation

1 where everyone holds up a flag and says I am a hundred  
2 per cent satisfied because they also involve a degree  
3 of compromise.

4 Knowledge does not go away, I stress  
5 that. We need to hear from the parties involved. My  
6 evidence is very general, it says tourist operators are  
7 concerned about aesthetics, of course they are.

8 To find out more about what their  
9 concerns are about aesthetics we have to go to the  
10 site, we have to discuss the issue with them, we have  
11 to talk about alternatives and I don't doubt that when  
12 Mr. Greenwood was involved in these discussions he was  
13 at a meeting with the operators and cottagers and  
14 probably drew diagrams much the same way he did there  
15 and they came up and they worked with the diagrams.  
16 And that is the kind of process you go through in  
17 developing consensus and collaboration.

18 The last point I want to make is that one  
19 really good thing that was pointed out to me was when  
20 we were talking about harvest initially, but in dealing  
21 with the harvest example all of a sudden we were  
22 talking about roads, because basically what happened in  
23 the particular situation is Mr. Greenwood wanted to set  
24 up a variable with reserve, he wanted to protect the  
25 skyline on Oba Lake but what he found was that in

1       reducing the size of the reserve in this particular  
2       area, for example, if this were the situation, there  
3       would be much more easy access to the lake and, of  
4       course, the operators immediately expressed concern.

5               And so the solution in that particular  
6       instance was that in areas where you were accessing an  
7       area where the reserve boundary was relatively -- the  
8       reserve itself was relatively thin, was to put in  
9       winter roads which would in effect restrict the  
10      majority of the access.

11             The point I am making here is it is very  
12      hard to talk about the effects of access without  
13      talking about the effects of harvest and without  
14      getting into some discussion about roads.

15             And the other point I would make, in all  
16      these situations, is that once you have made the  
17      decision to have a variable width reserve, once you  
18      identify an objective that says we want to minimize  
19      access and you put one of the roads, there is always  
20      going to be a lingering doubt probably on the part of  
21      the operator that there may be somebody who may get  
22      into that lake and compete for the use of that  
23      resource.

24             So we try and establish a win/win  
25      situation through this process; we rarely do it



1 completely.

2 Q. And the example that is shown in  
3 Exhibit 466 page 38 of the guideline and the example  
4 given by Mr. Greenwood, are those examples of a skyline  
5 reserve?

6 A. Yes, this is an example of a skyline  
7 reserve, at least I would assume it is. We call it a  
8 variable width reserve just to make the point the width  
9 of the reserve will vary in order to meet a particular  
10 objective. If the objective here is to protect the  
11 view from the lake and you want to keep the skyline --  
12 up to the skyline in a "natural state", then the  
13 reserve would run along the skyline.

14 And, of course, where it is relatively  
15 flat as depicted in this diagram - we can see the  
16 contours - where it is relatively flat, you don't need  
17 a very wide reserve in order to achieve that objective.  
18 As you move to the contours or up the height of the  
19 hill, you have to run that reserve up to the highest  
20 contour and then back down again.

21 One other point I should make is that I  
22 don't -- I am not providing a lot of examples here,  
23 real world examples like the one that was identified  
24 here, and I should emphasize that more examples will be  
25 presented by Panel 15 and they will come directly from,

1       for example, the Red Lake plan and there are a number  
2       of examples in the areas of concern that are documented  
3       in that plan which involve the development of variable  
4       width reserves.

5                       So that is the -- the next section of the  
6       guidelines deals with the guidelines themselves, and as  
7       you can see, it deals with primary and secondary roads,  
8       deals with cut patterns, noise control, regeneration,  
9       scenic enhancement of roads, recreation and  
10      interpretation.

11                      And really in this section I don't want  
12      to go into a lot of detail, what I would like to do is  
13      choose a couple of -- I've basically made overheads of  
14      a couple of the pages to once again identify the kinds  
15      of direction that are provided in the guidelines. And  
16      then there is perhaps one or two other points that I  
17      would like to make after that.

18                      MR. FREIDIN: Mr. Chairman, perhaps I  
19      could just advise what pages the following exhibits  
20      are.

21                      466H is page 48 of the tourism  
22      guidelines, the next document re: modified strip cuts  
23      which would be 466I is page 51 of the guidelines, the  
24      document that deals with scenic enhancement of roads,  
25      466J, is page 63 of the guidelines. The next document

1 which has Bob Lake on the left-hand side...

2 THE CHAIRMAN: I think we are on the  
3 wrong numbering here.

4 MR. FREIDIN: Are we?

5 MRS. KOVEN: Yes. I thought we weren't  
6 numbering the pages that were in Exhibit 379.

7 MR. FREIDIN: No, no, no, we're not. I  
8 am just telling you these documents are representations  
9 or just reproductions of those pages.

10 MRS. KOVEN: But you are calling them  
11 466A, B, C, D. We haven't been doing that.

12 MR. FREIDIN: Oh, all right.

13 MRS. KOVEN: But, we are happy to that.  
14 You would have to go back to the beginning and tell us  
15 which...

16 MR. FREIDIN: I don't know whether it  
17 makes any difference.

18 THE CHAIRMAN: I was just double  
19 referencing them using just 466A, B, C, D and E but  
20 then putting the page numbers of 379 on these as well.

21 MR. FREIDIN: Right, I thought that was  
22 what I was doing.

23 FROM THE AUDIENCE: You weren't.

24 THE CHAIRMAN: Anyway.

25 MR. FREIDIN: Let's keep going. We

1 don't really care.

2 ---EXHIBIT NO. 466I: Overhead reproduction of page 48  
3 of the Tourism Guidelines.

4 ---EXHIBIT NO. 466J: Overhead reproduction of page 51  
5 of the Tourism Guidelines.

6 ---EXHIBIT NO. 466K: Overhead reproduction of page 63  
7 of the Tourism Guidelines.

8 MR. CLARK: This is a page out of the  
9 guidelines section that deals with cutting patterns and  
10 I have really chosen just this and one other just to  
11 demonstrate the kinds of directions provided in the  
12 guidelines.

13 And this is a section that deals with  
14 ways of modifying clearcuts to achieve particular  
15 objectives relative to the maintenance of aesthetics.  
16 And in this particular case, the assumption made in  
17 this diagram is that you are prepared to permit some  
18 harvesting in the shoreline area of the particular  
19 lake.

20 And the point the diagram makes simply is  
21 that it may be more appropriate to allow or to have the  
22 clearcut follow land form configuration and that it  
23 would be appropriate in this case to avoid clearcut  
24 patterns reflective of land form.

25 So as I say, these are the kind of -- and  
that is on page 48.



1 MR. FREIDIN: Q. 48.

2 MR. CLARK: A. 48 of the guidelines. I  
3 emphasize again the point this makes is there isn't a  
4 lot of detail, there isn't an explicit prescription,  
5 there is an example of what I would call good practice  
6 that you should consider in developing a prescription.

7 Another example on the same page suggests  
8 a way of modifying block cuts and the emphasis in this  
9 particular instance is of achieving some degree of  
10 overlap on the leave blocks so that you reduce use of  
11 harvesting and also, from a more pragmatic point of  
12 view, you may reduce blowdown occurrences as well.

13 So there is a range of alternative  
14 solutions and this is really just a jump-start, if you  
15 want, to get -- to stimulate thinking when groups of  
16 tourist operators or cottagers and industry personnel  
17 are discussing ways and means of achieving, in this  
18 case, aesthetic objectives and timber management  
19 objectives on a particular lake. As you can see, the  
20 direction is pretty general.

21 Here is another example and, in this  
22 case, we are talking about modified strip cuts and I  
23 think the question that you always ask when you look at  
24 a document like this is: Well, this is all very well  
25 and good, these are nice ideas, do we do them. And I

1 think, if you recall Mr. Oldford's evidence, he showed  
2 an example on Highway 114 south of Gogama where they  
3 have employed chevron cuts which, at least at the  
4 roadside, would create a pattern quite similar to this.

5 That is page -- sorry, that's page 51.

6 In the example Mr. Oldford referred to, they had  
7 employed chevron cuts adjacent to Highway 144 south of  
8 Gogama and the objective was much the same as the  
9 objective here. It reduced views but it also broke up  
10 the corridor.

11 Now, another example where I am aware  
12 that this prescription is being put in place is on a  
13 canoe route in Wawa District in White River which is a  
14 pretty popular canoe route which flows from the height  
15 of the land into Lake Superior and it is used on a  
16 regular basis, one of the more popular canoe routes in  
17 that area. And, as a result of that, a series of  
18 prescriptions have been developed along that corridor,  
19 along that river to protect the aesthetics for canoeing  
20 and the prescriptions involved, in some instances, a  
21 skyline reserve.

22 In some instances they have actually  
23 identified modified strip cuts of the kind that you  
24 have here, and the way they have oriented those cuts is  
25 so if you were - the river flows from this side, I am

1 indicating right to left here - from here to here, it  
2 flows in that direction. The strip cuts point  
3 downstream, so that when you're canoeing downstream  
4 there isn't a lot of visual penetration. And, in  
5 addition to that, in those prescriptions they have  
6 identified the requirement to leave alder along the  
7 strips of vegetation along -- right along the immediate  
8 edge of the river.

9 Q. You indicated that there was a  
10 skyline reserve involved in that White River situation.  
11 Where would that have been or can you demonstrate,  
12 using that example, where that skyline reserve would  
13 have been?

14 A. Well, if you are canoeing down a  
15 river what you get is enclosed, semi-enclosed and wide  
16 open vistas if you want, and in the enclosed areas  
17 where the corridor is fairly narrow and more visual,  
18 you don't see very far. You may want to implement this  
19 kind of an alternative or you may want to consider a  
20 number of others.

21 But as you get into a semi-enclosed or  
22 more exposed situation where you are seeing farther and  
23 you are looking not simply at the immediate far shore  
24 but -- I think I have an example here.

25 If you turn to page 29, I think the point

1       that they are making here is -- the point I am making  
2       is that you have to define the reserve in terms of  
3       where the observer is in the environment. If you are  
4       dealing with an enclosed or semi-enclosed space,  
5       perhaps like the example depicted on page 29 where the  
6       observer is in a valley looking up, but it's fairly  
7       enclosed, you may choose where appropriate to use  
8       modified strip cuts.

9               Where you are in a semi-enclosed or more  
10      open situation where you can see greater distances, you  
11      may want to look at establishing a skyline reserve so  
12      that the landscape form is protected over a greater  
13      area, and that's the kind of variation you would find  
14      throughout the corridor itself.

15             And that was just an example that I was  
16      familiar with that did occur in Wawa District. And I  
17      am trying to pick a couple of examples other than this  
18      tourism lakes because I want to emphasize that the  
19      guidelines here have application that is somewhat wider  
20      than just meeting the requirements of tourist  
21      operators.

22             Another example that I was able to look  
23      into was the -- you have a hiking trail in the area of  
24      the undertaking called the Voyageur Hiking Trail. It  
25      is operated, developed and maintained by the Voyageur



1 Hiking Trail Association which is a lot like the Bruce  
2 Trail Association, and their objective is to develop a  
3 trail that runs from South Baymouth on Manitoulin at  
4 least to Thunder Bay. And they have had a considerable  
5 amount of success in developing that trail between  
6 Espanola and Sault Ste. Marie and from Sault Ste. Marie  
7 north to Wawa.

8 And to provide you with an example of how  
9 that value, in this case I guess you can call it a  
10 tourism value that relates specifically to hikers is  
11 taken into consideration. In the first instance it is  
12 dealt with in land use planning.

13 And, for example, in Wawa District there  
14 is a corridor defined in the land use guidelines, an  
15 area designation identified in the DLUG document to  
16 Wawa District along the shore of Lake Superior, which  
17 is roughly -- it is roughly a mile or a kilometre-wide  
18 corridor. And in this area designation one of the  
19 objectives is to protect the future alignment for the  
20 Voyageur Hiking Trail. So there is a case where it  
21 hasn't happened but it will happen.

22 In the Sault Ste. Marie District where  
23 the trail has been in place for a number of years - and  
24 I lived in Sault Ste. Marie, was a member of the club  
25 at the time that was actually involved in cutting some

1 of the trail - where the trail already exists and where  
2 it passes over a Crown land, consideration is given to  
3 the requirements of that trail in timber management  
4 planning.

5 And there are instances where, along - in  
6 line with that trail there is a requirement -- there is  
7 a 30-metre reserve placed right on the trail and, in  
8 addition to that, there is specific requirements  
9 identified concerning marking of trees and actually  
10 removal of trees to protect the integrity of the trail  
11 system.

12 So that's another example where some of  
13 the basic concepts here have been employed. One in a  
14 canoe trip -- in a canoe route and, in this particular  
15 instance, a hiking trail. The other basic principle  
16 that I alluded to earlier is it is also being applied  
17 in a road corridor situation.

18 One last example, and this one is again  
19 trying to emphasize the fact that the guidelines have a  
20 wider application than simply tourism in a narrowly  
21 defined sense, where we are talking about scenic  
22 enhancement of roads or the maintenance of tourism  
23 objectives on road corridors, there are a variety of  
24 techniques that can be employed. I refer you back to  
25 the example that Mr. Oldford had where he talked about

1 chevron cuts on Highway 144.

2 In this particular instance, the  
3 motivation for doing that are some of the original --  
4 the impetus for perhaps thinking about that kind of an  
5 option could have come from this kind of direction  
6 which shows a traditional reserve where you have got a  
7 uniform corridor of boreal forest, and if you have  
8 driven Highway 11 from Beardmore to Cochrane you know  
9 there is a fair bit of it, and one that involves  
10 modified operations which gives a more varied visual  
11 experience. So there is another example of the kind of  
12 direction that's provided in the guideline section.

13 So in summarizing that section, I think  
14 the point I would like to make is that the direction is  
15 general, it provides a point of departure for  
16 developing site-specific solutions.

17 The other point I would like to make is  
18 the direction provided is not limited to remote  
19 tourism; it can be used in the context of canoe routes,  
20 hiking trails, travel corridors and so on.

21 The last two slides I have are an attempt  
22 to pull some of this material together--

23 Q. That's from page 83.

24 A. --to allow you to see how a system of  
25 reserves can achieve tourism objectives on a particular

1 lake or on a series of lakes or travelling corridors  
2 and canoe routes.

3 This particular slide is called a  
4 Collaborative Agreement on a New Road Corridor for  
5 Future Tourism Access to Charley Lake and a Mixture of  
6 Modified and Normal Operations and Reserves. There is  
7 a number of points I want to make about this example.

8 ---EXHIBIT NO. 466L: Overhead reproduction of page 83  
9 of the Tourism Guidelines.

10 MR. CLARK: The first point I would like  
11 to make is stress the word collaboration in the title.  
12 We don't arrive at a series of reserves like this  
13 unless you bring the various parties together that have  
14 an interest in that particular area, sit them down and  
15 work out a solution that is acceptable, reasonably  
16 acceptable to all of them.

17 There are tourism values here in terms of  
18 lodges, there is a canoe route, there is a lake trout  
19 lake, there is obvious timber values in the area and  
20 all those people have to be brought together in order  
21 to arrive at a decision. The point we made I think  
22 throughout our evidence is that we try and build  
23 consensus through collaboration wherever possible.

24 The other point I have made is in doing  
25 that we are involved in compromise and in compromising



1 I think it is fair to say that it is -- that the  
2 various parties will not always be totally satisfied  
3 with the solution. And I want to stress that because  
4 so often when you are preparing evidence for a  
5 situation like this you are looking for the perfect  
6 answer and, of course, it doesn't exist in most  
7 instances; what you are dealing with, to a large  
8 extent, is compromise.

9 Some of the other points worth making is  
10 that on the lake trout lake when you would have the  
11 variable width reserve, this reserve would probably  
12 serve tourism objectives in terms of the maintenance of  
13 aesthetics - because I will assume that that's a fly-in  
14 lake - so that isolation and the maintenance of a  
15 natural setting will be important. The other point I  
16 would make is that inasmuch as it is a tourism lake,  
17 there would be a requirement for a reserve for  
18 fisheries purposes anyway. So that you have an example  
19 where a reserve is serving two objectives.

20 In terms of the roadway -- well, this  
21 isn't strictly harvest, the road is developed  
22 presumably in association with harvest and the concerns  
23 of the tourist operator who may benefit in this case  
24 from road access have been dealt with through  
25 modifications or prescriptions on the access corridor,

1       presumably to maintain aesthetics and enhance views  
2       where that is appropriate, while at the same time  
3       permitting some removal of timber. The guideline, or  
4       at least the direction here doesn't specify what  
5       exactly is recommended.

6                   The other point I would make is that  
7       there is a lodge here and in the immediate vicinity of  
8       that lodge there is a reserve rather than a modified  
9       operation, so there would be no operations in that  
10      area.

11                   Another reserve has been identified at  
12      the top of Charley Lake here, and you can only  
13      speculate, for example, why it is there. It is  
14      identified as a tourism reserve. And a good example of  
15      a case where you might put a reserve like that in place  
16      would be in an instance where -- it is not uncommon in  
17      these lodges for fishermen to go fishing for a day and  
18      have a shore lunch and they would normally have a  
19      number of sites at which these shore lunches would take  
20      place.

21                   Well, that might be an instance where  
22      there is a beach, a bit of a rock promontory where  
23      there is a good area for having a shore lunch that they  
24      traditionally use. They would identify that as a value  
25      and that would then be protected in this instance

1 through a reserve.

2 The other example of what that might be  
3 is, it may be that there is a campground or a camp  
4 site, traditional camp site that's used by canoeists at  
5 the outflow of the lake here. As you can see, there is  
6 a canoe route here and, once again, they have  
7 identified the fact that you may want to modify  
8 operations on that corridor.

9 The last reserve is immediately opposite  
10 the lodge, and I would speculate in a case like that  
11 what you might have, within that area of concern you  
12 might have a reserve immediately along the shoreline at  
13 some variable width and then you might have modified  
14 operations in behind it. So, in effect, in the whole  
15 area of concern there would be modified operations, but  
16 within that area there might be a no-cut zone, if you  
17 want, adjacent to the edge of the water. So that's the  
18 kind of prescriptions that might develop in an instance  
19 like that.

20 Just one more example. This is much the  
21 same. This is a collaborative agreement and this is on  
22 page...

23 MR. FREIDIN: Q. 81.

24 MR. CLARK: A. 81. A Collaborative  
25 Agreement on a Combination of Reserves in Most Critical

1 Areas, Modified Operations on most days and Normal  
2 Operations elsewhere, and No New Road Access to the  
3 Lake.

4 ---EXHIBIT NO. 466M: Overhead reproduction of page 81  
5 of the Tourism Guidelines.

6 MR. CLARK: So presumably this is what we  
7 would probably call an outpost lake, an area that's  
8 been previously inaccessible and it is obvious in this  
9 case the decision has been made to keep it  
10 inaccessible.

11 Harvesting will occur in the general area  
12 of the lake. And I think one of the interesting points  
13 in this particular example, and the reason I chose it,  
14 is because you can see here that there is a number of  
15 different reserve types. On this -- over here  
16 (indicating) there is a tourism reserve and it is a  
17 reserve that protects the immediate area surrounding  
18 the lodge itself. There is a fisheries reserve at the  
19 top end of the lake here (indicating) and there is a  
20 bay here (indicating) and it may be a shallow bay, it  
21 may be a shallow breeding bay, it may be an area that's  
22 known to be a spawning area for pike, for example, and  
23 it may well be that we would know that or it may well  
24 be that the tourist operator would identify that to us  
25 through the timber management planning process. These



1 people, like cottagers and like any others, would get  
2 to know their piece of the turf very well.

3 Across the lake you have got modified  
4 tourism and, interestingly, you have got modified moose  
5 as well. The point I am making here is that you may  
6 achieve the tourism objective with the moose -- with  
7 the use of the Moose Guidelines. You have got another  
8 tourism and that might be another shore lunch area.

9 This is -- in here (indicating) you have  
10 got a navigable channel between two lakes where there  
11 is arrows and, in this particular instance, because  
12 boaters are moving up through that area, what you are  
13 doing is protecting the integrity of the shoreline  
14 along that corridor. So that's another example of the  
15 way in which these reserves may be used to achieve  
16 objectives on a particular lake. And that's the last  
17 slide.

18 Q. Okay.

19 A. I do have a few summary comments,  
20 just a few remarks on the Tourism Guidelines in light  
21 of what you have seen here and what I have said.

22 I can't stress enough the need for  
23 collaboration in the use of the guidelines. They  
24 provide general direction; they provide, as I said, a  
25 kick-start, they stimulate thinking hopefully and they

1 provide examples for the various parties to think about  
2 when they are developing prescriptions at the site  
3 level. The guidelines I think, to a large extent,  
4 formalize some of the better examples of things we have  
5 been doing for a number of years.

6 The example that we used concerning Oba  
7 Lake is a good example of a prescription which was  
8 developed well in advance of the time the guidelines  
9 were developed and, in fact, the Oba Lake situation may  
10 well have been an example that stimulated the  
11 development of that particular direction in the  
12 guidelines.

13 I can't stress the need enough for  
14 thoughtful evaluation of alternatives rather than the  
15 application of a standard rule of practice, and I think  
16 I have probably said that enough.

17 The guidelines should be used in  
18 conjunction with other implementation manuals. The  
19 last two slides really demonstrated that. When we are  
20 dealing with the Tourism Guidelines we don't deal with  
21 them in isolation, we are normally looking at  
22 situations in the context of tourism values but also in  
23 terms of the fisheries values and wildlife values that  
24 are -- and the direction for which is provided in other  
25 guidelines like the Moose and Fish Guidelines.

1                   Just a small note on training. The  
2                   direction provided in this manual is pretty general.  
3                   In my experience in having used these at the district  
4                   level was that they were user friendly, that they did  
5                   provide a sufficient amount of direction to stimulate  
6                   thinking, and that there is not an awful lot of detail,  
7                   technical information that requires training in the way  
8                   that, for example, the Moose Guidelines and perhaps  
9                   Fish Guidelines do.

10                  Nevertheless, the guidelines -- the  
11                  Tourism Guidelines are normally dealt with through the  
12                  timber management planning courses that have been  
13                  identified in earlier evidence.

14                  And at the time that these documents, the  
15                  Tourism Guidelines were released district managers were  
16                  instructed to meet with tourist operators and they had  
17                  been instructed to do this on an annual basis anyway;  
18                  in other words, each district has an annual meeting -  
19                  quite aside from the number of other meetings that they  
20                  have with operators in which they discuss general  
21                  issues of mutual concern - and when these were released  
22                  the Deputy Minister instructed district managers to  
23                  meet with tourist operators and discuss the use of  
24                  these guidelines.

25                  The last point I would make with regard

1 to training is that, as was pointed out earlier, Mr.  
2 Kendrick is in the process of developing a training  
3 initiative that will speak to all the guidelines,  
4 including the Tourism Guidelines.

5 Q. Mr. Clark, you have referred to the  
6 more general nature of the direction given in this  
7 particular guideline than the Guidelines for Protection  
8 of Fish Habitat and the Provision for Moose Habitat.

9 Does that difference have any  
10 significance if one is considering the ability to put  
11 into place a system for exception reporting, indicating  
12 when in fact you have deviated from a guideline?

13 A. Well, I would like to think the  
14 evidence spoke for itself. I think the Oba Lake  
15 example was a classic example where it is very  
16 difficult to identify a general rule of application.

17 I think that what we have in those  
18 guidelines are a series of examples, and given that's  
19 what they are, it is very hard to say that you have  
20 deviated, particularly when the emphasis in the  
21 document is on collaboration, it is process oriented.

22 Q. And although exception reporting or  
23 deviation may not be reportable in any sort of  
24 practical way, would the rationalization for creating  
25 or dealing with the particular concern in the way you



1 finally did, is that something which could be  
2 documented?

3 A. It could be and is documented, and I  
4 think you will be getting numerous -- well, certainly a  
5 number of examples in Panel 15.

6 We talked previously about the area of  
7 concern planning process and the requirement for  
8 identification of alternatives, evaluation of  
9 environmental effects of alternatives and rationale,  
10 the requirement for documenting the rationale for the  
11 choice of a particular alternative, and that is all  
12 part of the supplementary documentation requirements of  
13 the timber management planning process.

14 And when we get to Panel 15 - and  
15 certainly you had an opportunity to look at the  
16 evidence, particularly the supplementary  
17 documentation - you will see that in every case where  
18 we are involved in the development of prescriptions for  
19 areas of concern, the rationale -- documentation for  
20 the rationale of a particular option is included.

21 Q. To what extent are future tourism  
22 values identified or protected during timber management  
23 planning?

24 A. Well, the short answer is that to the  
25 extent that we are able to, future tourism

1 opportunities are protected. I want to qualify that  
2 carefully.

3 The Ministry has a lead role -- plays a  
4 lead role in the planning and management of Crown land  
5 and has a lead role in the management of fish and  
6 wildlife resources in particular. And inasmuch as it  
7 is directly involved in managing fish and wildlife  
8 resources, it is a primary actor in the tourism scene  
9 because they are the fundamental resource on which  
10 much, if not all, resource-based tourism is dependent.

11 And our concerns relative -- and, in  
12 addition to that, I should point out also that our  
13 interest in tourism is reflected through the Provincial  
14 Parks System and is also reflected through the  
15 management of access points, canoe routes and a variety  
16 of other recreational opportunities on Crown land.

17 So that, as I said earlier, we are a  
18 major actor in the tourism scene. Our concern for  
19 tourism is reflected in the Strategic Land Use Plans  
20 that we have provided done for the northeastern and  
21 northwestern Ontario, the specific objectives  
22 established for tourism there. And there are also  
23 objectives for tourism in District Land Use Guidelines.

24 And, in addition to that, the Land Use  
25 Guidelines also have area designations in them and the

1 land use intent in those designations speak  
2 specifically to tourism, existing and future, and I  
3 stress existing and future tourism opportunities.

4 Finally, we also speak to tourism through  
5 resource management plans. The fisheries management  
6 plans that are largely completed for the districts in  
7 the area of the undertaking speak in very specific  
8 terms about tourism opportunities existing in future,  
9 particularly as they relate to the fisheries resource.

10 Having said that, we also cooperate  
11 directly with the Ministry of Tourism and Recreation in  
12 identifying future tourism opportunities, particularly  
13 as it relates to resource-based tourism. Our primary  
14 role is to identify opportunities that can be supported  
15 by resources; i.e., fish and wildlife, and the Ministry  
16 of Tourism and Recreation look at the same problems  
17 from the point of view of where the most appropriate  
18 sites are in a particular area and how they can best be  
19 disposed of.

20 In practical terms what that means is  
21 that on the one extreme I pointed out the fact that  
22 through our District Land Use Plans we protected the  
23 Voyageur Hiking Trail in the Wawa District which is a  
24 tourism resource and may attract people to the area;  
25 in another instance, we may protect a tourism lake that

1 is currently not used to capacity on which there is no  
2 development because we and the Ministry of Tourism and  
3 Recreation believe that it will have potential for  
4 development in the future.

5 So that is what we did.

6 Q. In the Panel 10 witness statements  
7 and, in fact, in a number of the witness statements,  
8 there is reference to the enhancement of environmental  
9 values. The Environmental Assessment Act doesn't speak  
10 specifically to enhancement, doesn't use those words,  
11 and can you just advise why the Ministry's evidence is  
12 addressing this subject of enhancement of environmental  
13 values?

14 A. Well, it is simply to emphasize the  
15 fact that some of the effects are definitely positive  
16 and should be considered in assessing environmental  
17 effects.

18 Q. If I might, I would like to refer you  
19 to page 966 of the witness statement. And am I  
20 correct, Mr. Clark, that this particular page 966  
21 appears in the discussion of the potential  
22 environmental effects of harvest on wildlife?

23 A. As it relates to commercial tourist  
24 operators, yes.

25 Q. And there is a statement in the last



1 bullet on page 966 and it says:

2 "Effects..."

3 And they are referring to effects on wildlife as it  
4 relates to tourism:

5 "...will vary depending on the type of  
6 tourist operation."

7 Could you perhaps expand on that and explain what is  
8 meant by that?

9 A. Okay. Well, I think maybe I should  
10 go through the thought process I went through when I  
11 put the evidence together because I was trying to come  
12 to terms with the fact that the effects of harvest on  
13 tourist operators can be quite variable depending on  
14 the kind of operation that you are dealing with.

15 I think the best way is to perhaps draw  
16 the diagram that was in my mind when I put the evidence  
17 together. This is a hypothetical example, but it is  
18 not -- it is quite typical, I think, of some of the  
19 situations that can develop and are involved in timber  
20 management harvesting operations.

21 In the particular instance I was dealing  
22 with in the evidence in that section had to do with the  
23 effect of harvesting operations on tourist operators.  
24 And what the evidence spoke to is the fact that  
25 harvesting can have an effect on moose populations

1       which can then have an effect on various kinds of  
2       tourist operations.

3                       And the point that was made in the  
4       evidence is that the effect will vary depending on the  
5       nature of the operation and I made a distinction  
6       between fly-in lodges, road-accessible lodges and other  
7       road-based tourism establishments, that kind of  
8       distinction. So you have got basically the remote  
9       source based tourism sector versus those that are on  
10      roads.

11                      Now, the example I would use - and I want  
12      to stress this is a hypothetical one - but we will say  
13      this is Highway 17 and we will assume that there is a  
14      road that runs north from Highway 17 up here, a  
15      secondary road -- secondary highway to a small  
16      community of say a thousand, 1,300 people, And the  
17      principal reason that community is there is because  
18      there is a saw mill.

19                      It is not a very big community, it has a  
20      small motel and perhaps a hardware store and a grocery  
21      store - and I am making this as simple as possible  
22      because I want to make a point - and at the turnoff  
23      from Highway 17 there may be a gas station. In the  
24      typical fashion this operator also supplements his  
25      income by doing some outfitting and he sells fishing



1        few groceries, fishing and hunting licences. He also  
2        does some outfitting, he has some canoes, tents and a  
3        variety of others things. He doesn't fly people in,  
4        they drive in, and he may be involved in bear hunting,  
5        he may be outfitting moose hunters, and he may be  
6        providing services for people in the general area.

7                    The people up here are there because of  
8        wood and they work in the mill or they work in bush  
9        operations. So you can see all the actors coming  
10       together, and this is why you have to collaborate.

11                   Now, what happens is: We go through a  
12       timber management planning process and we end up with a  
13       road that runs into the country up here like this  
14       (indicating) - I am not really scaling this - we will  
15       say that this is at least a mile distant from the lake  
16       at any point. So the lake is still inaccessible and  
17       harvesting operations are going to start to occur  
18       somewhere along the corridor like that.

19                   And what you immediately find is you have  
20       got an influx of people coming into this area, you have  
21       got industry personnel themselves involved in bush  
22       operations, you have got travel and, of course, you  
23       have got a tremendous interest on the part of the  
24       people that live in this community to make use of that  
25       road because it is their backyard. They don't have all



1 the other things that other people have, so they want  
2 this and they see there is a great opportunity to get  
3 in and fish those lakes which are dotted throughout  
4 here which hitherto have been the domain of this  
5 person.

6 The tourist operator has tended to bring  
7 his moose hunters in and to give them a nice natural  
8 experience, he puts them in boats and takes them down  
9 the shore and drops them off on the shore and they hunt  
10 moose in this area here. (indicating)

11 Q. The area -- the hatched area?

12 A. There is a great moccasin telegraph  
13 in the forest, and people find out a road --

14 THE REPORTER: I'm sorry?

15 MR. FREIDIN: Moccasin telegraph I think  
16 he said.

17 MR. CLARK: Great communication, it  
18 happens very quickly and as soon as a road is developed  
19 to access harvesting operations, you get a tremendous  
20 influx of people into the area and, in this case, you  
21 are going to get a lot of moose hunters probably moving  
22 into this area.

23 And this is part of a larger wildlife  
24 management unit, there is a certain number of tags  
25 allocated and the people who get those tags will know

1       that this is a new road, it has opened up a new area,  
2       harvesting is occurring and moose visibility hopefully  
3       will improve, access to the area will improve, it  
4       hasn't been hunted before, it must be good and they  
5       will all come running up the road.

6               They will stop here and they will buy  
7       sundries; gas, booze, whatever else they need. They  
8       will move up the road here --

9               THE CHAIRMAN: It sounds like that is  
10      about all.

11              MR. CLARK: Don't let me create the wrong  
12      impression, I have certainly done that. And then when  
13      they get to town, the first night they will figure  
14      maybe they should stay in a hotel because they are not  
15      too well off in the forest.

16              Before this person got a marginal amount  
17      of use because of industry people coming to town and  
18      because Ontario Hydro had to come in and because the  
19      Ministry had to come in. All of a sudden he has got a  
20      bit of a bonanza in the fall that he never had before,  
21      he has got more people staying in his motel.

22              They go up the road and they start  
23      hunting in here (indicating), and what you have is the  
24      traditional hunters here, and the moose hunters who  
25      have come from out of town, so to speak, from afar

1 hunting in here, and basically you have a greater  
2 number of hunters hunting in the same area. Now, what  
3 I meant by that in very simple terms, and this is all  
4 really a potential effect, we don't know this will  
5 happen.

6 But what can happen is road accessible  
7 operators will benefit and even in the community and so  
8 on hunters themselves who use that kind of access will  
9 benefit; the tourist operators on a remote lake may net  
10 out lower simply because, I guess in a theoretical way  
11 at least, he is competing in a limited area; his  
12 hunters are competing in a limited area for the same  
13 number of moose, quality of the hunt may go down and  
14 success will go down as far as they are concerned, and  
15 I suppose in the extreme worst case scenario his rate  
16 of return of guests will go down because of that. So  
17 he has a real concern about that.

18 So the point I am making once again is  
19 that in that particular instance harvest and associated  
20 abscess has an effect, but it is variable. Here it may  
21 be positive for these people, here it may be negative,  
22 maybe that he just goes across the lake and works on  
23 the other side, it maybe that he flies his people in  
24 over here and that is why it is very hard to generalize  
25 about these kinds of effects, but it is a variable

1 effect.

2                   And once again I think when you look at a  
3 situation like this, you begin to realize the necessity  
4 of getting the people together, talking about  
5 reasonable solutions, because this operator will be in  
6 your office the very day he sees that you are  
7 allocating stands in that area and want to know what it  
8 is its going to do to his particular operation.

9                   Now, then you, of course, have to talk  
10 about mitigation, you have to assess whether the  
11 concern there is valid, then you have to start working  
12 out prescriptions that will in a sense incorporate  
13 concerns of the operators here while recognizing that  
14 there are other people who are benefitting as well and  
15 the obvious need to access the wood supplies in the  
16 area.

17                   You may decide -- one of your options is  
18 to gate the road, as an example. I said you may.  
19 There are a number of different choices that you have.  
20 And the point that I want to really make here is you  
21 can see that when you are looking at weighting, rating,  
22 tradeoffs and all these things it is difficult to  
23 always fix on whose objectives you should be  
24 satisfying. And, therefore, it is difficult in these  
25 instances to sort of apply a fixed formula that allows



1       you to sort of say: Well, this is how it has to be.

2                       This is why we stress the need to be  
3       decentralizing efforts at the local level; build up an  
4       element of -- work on local knowledge and communication  
5       to deal with these situations and on a site-specific  
6       basis.

7                       MR. FREIDIN: Can we mark that as an  
8       exhibit?

9                       THE CHAIRMAN: Exhibit 468.

10                      MR. FREIDIN: Q. What do you want to  
11       call that, Mr. Clark?

12                      MR. CLARK: A. I think I will call it  
13       variable response to harvest effects by different  
14       tourist operations.

15       ---EXHIBIT NO. 468: Hand-drawn depiction of variable  
16                               effects of harvest on different  
                              tourist operators.

17                      MR. CLARK: We will call it variable  
18       effects of harvest on different tourist operations.

19                      MR. FREIDIN: Q. If I can refer you to  
20       page 959 of the witness statement, I believe this  
21       appears in a section which deals with the potential  
22       effects of harvest on aesthetics, visual appeal.

23                      MR. CLARK: A. Yes.

24                      Q. The last bullet on page 959 indicates  
25       that the potential socio-economic environmental effect

1       could be -- the negative visual impacts of harvesting  
2       are:

3                       "Short to moderate term (5-10 years)."

4       And as a possible measure to deal with that you  
5       indicate:

6                       "Ensure regeneration of site is both  
7                       immediate and successful."

8       Can you expand on, what does that mine in comparison  
9       to -- what is the point being made there?

10                      A.   You site prepare and plant the site  
11       as quickly as possible and, in that sense, you make it  
12       a priority.

13                      Q.   A priority in relation to what?

14                      A.   In relation to other sites that would  
15       have to be treated as well.

16                      Q.   Mr. Clark, I am going to hand out a  
17       document which is entitled:   Summary of Effects of  
18       Timber Management Operations on the Socio-Economic  
19       Environment and this is a document that you were  
20       involved -- you were involved in the preparation of  
21       this document?

22                      MR. CLARK:   A.   That's correct.

23                      MR. FREIDIN:   Can it be marked as the  
24       next exhibit, Mr. Chairman?

25                      THE CHAIRMAN:   Exhibit 469.

1 ---EXHIBIT NO. 469: Document entitled: Summary of  
2 Effects of Timber Management  
3 Operations on the Socio-Economic  
4 Environment.

5 MR. FREIDIN: What was the exhibit  
6 number, Mr. Chairman?

7 THE CHAIRMAN: 469.

8 MR. FREIDIN: Thank you.

9 Q. What is this document, Mr. Clark?

10 MR. CLARK: A. What this document  
11 attempts to do is summarize the effects of harvesting  
12 and, to some extent, associated access on the various  
13 stakeholder groups at the scale of the area of the  
14 undertaking.

15 Q. Can you indicate in general terms how  
16 this was prepared?

17 A. Yes, I can. When I produced the  
18 evidence in Panel 10 we ended up, as you know, with a  
19 rather large number of tables that identified potential  
20 effects and measures to either enhance, prevent,  
21 minimize or mitigate those effects. And if you go  
22 through all those tables you are perhaps left wondering  
23 what the overall effect is.

24 And what we tried to do in putting these  
25 tables together was to reach an understanding, at least  
within the Ministry, as to what we interpreted the

1 overall effect of harvest, given current management, to  
2 be for each stakeholder group.

3 The way we did that was to, first of all,  
4 look at the evidence of effects on the potential  
5 effects on the terrestrial and aquatic environment -  
6 that is the material that has been provided by Dr.  
7 Allin and will be provided by Dr. Euler and, of course,  
8 Mr. Greenwood - because many of the socio-economic  
9 effects are the secondary results of effects on  
10 terrestrial and aquatic environment.

11 The other thing we relied heavily on was  
12 my experience and some of the people I was working  
13 with, as well as field staff who work directly with the  
14 various stakeholder groups. So in effect it is our  
15 interpretation, are subjective judgment on what the  
16 overall effects are.

17 Q. Perhaps you could then review that  
18 document at the level of detail that you feel would be  
19 of assistance.

20 A. I appreciate, first of all, that when  
21 we do this that you run the risk of ignoring all the  
22 exceptions and I also appreciate that there is some  
23 hazard in doing this because I am really -- you have to  
24 understand that this is from our point of view, not  
25 necessarily the point of view of the various



1 stakeholder groups.

2                   And in talking about the fact that we  
3 generalized here I think you have to appreciate that we  
4 rely on the timber management planning process, we rely  
5 on the stakeholders to tell us what their concerns are.  
6 But based on the evidence on the effect on the  
7 terrestrial and aquatic environment and the experience  
8 of our staff in dealing with stakeholder groups, what  
9 we have attempted to do here is summarize, in a general  
10 way, at the scale of the area of the undertaking - I  
11 think that is important - whether the effect is either  
12 positive or negative and what mechanisms we can use to  
13 minimize or mitigate adverse effects.

14                   There is one point I want to make about  
15 this particular diagram. If you look at the bottom,  
16 there is a section that in the first -- the second  
17 column, summary of potential effects, we find that  
18 overall summary of effects of current timber management  
19 operations; in other words, the way we currently do  
20 business.

21                   And in the third column, potential  
22 negative effects -- significant potential negative  
23 effects - and I stress the words in both cases  
24 potential - the summary of potential effects in the  
25 absence of provincial guidelines or other directions.

1                   And I think that is consistent with the  
2 way, for example, Dr. Allin presented his evidence when  
3 he talked about what effects may occur, potential  
4 effects may occur in the absence of, for example, fish  
5 guidelines.

6                   What I would like to do is just run  
7 through each one of these quickly and highlight when  
8 appropriate some of the messages.

9                   The mining industry. We say that the  
10 effect of harvest is generally positive and if you look  
11 at detailed tables in my text you will find what we are  
12 saying is harvest and associated access improves access  
13 for the industry generally in terms of exploration and  
14 it also, because of the effect of particularly  
15 clearcutting, it makes land forms more visible, easier  
16 to map and generally facilitates the exploration  
17 business.

18                   On the down side, in the absence of  
19 appropriate direction, you can get situations where you  
20 get the destruction of plane and close some grid lines  
21 and this can be an extremely expensive result, negative  
22 effect to the industry.

23                   And, in my experience for example, when I  
24 was in Wawa they were developing the Himel Gold fields  
25 in the Marathon area and there was a tremendous influx

1 of prospectors, geologists in the area. Forest access  
2 roads weren't clogged, but there were certainly, as a  
3 result of the interest in gold in that area, a  
4 tremendous influx of people and there was the potential  
5 that our operation or the operations of the industry  
6 would conflict with staking, exploration activities.

7 And, in that particular instance, in  
8 compliance with the policy that I have included in that  
9 paper, we actually set up meetings in Wawa where we  
10 invited the geologic personnel from both industries,  
11 the forest industry and the geological industry to meet  
12 and we brought in people from the Mining Recorder's  
13 Office to talk about ways of avoiding the kinds of  
14 negative effects that we are dealing with here.

15 The last part was that we brought  
16 personnel from the area in and met with them, brought  
17 people in from the Mining Recorder's Office and  
18 developed a procedure for avoiding the kinds of  
19 conflicts that were identified here.

20 So from the point of view of the mining  
21 industry we believed that the effect of harvest and  
22 associated access is generally positive.

23 The tourism industry situation is  
24 somewhat different. There is no doubt that at the  
25 level of the area of the undertaking harvest and

1 associated access will have or can have an adverse  
2 effect on the remote tourism industry. I want to  
3 qualify that very carefully.

4 To the extent that that industry relies  
5 on values such as remoteness, isolation, wilderness and  
6 inaccessibility, there will be some erosion of those  
7 values as a result of harvesting and associated access.

8 The extent and significance of those  
9 effects are not, I think, clearly understood at the  
10 level of the area of the undertaking, however, I  
11 believe to a large extent they are amenable to  
12 resolution at the local level and I think it is fair to  
13 say that in the foreseeable future some accommodation  
14 will have to be made by that industry.

15 And, as I pointed out, we believe that  
16 the most effective way of dealing with that issue is at  
17 the local level through timber management planning.

18 And I would hasten to refer you back to  
19 the example I used earlier when we talked about the  
20 variable effect of harvesting and access on different  
21 kinds of tourism establishments, because I think it  
22 became clear there that the effect is difficult; the  
23 direction of the effect may be something that you  
24 understand, the extent of that effect is difficult to  
25 assess at any point in time.



1                   MR. MARTEL: Mr. Clark, you buy out as I  
2 understand it on Great Lakes or some of the lakes or  
3 commercial licence if there is an insufficient supply  
4 of fish I believe.

5                   Would you assist financially -- let us  
6 say you wiped out a remote tourist operator or his  
7 business became totally gone, would MNR or somebody  
8 financially assist that individual?

9                   MR. CLARK: My immediate answer was that  
10 we don't have any policy that speaks specifically to  
11 compensating, in a monetary way, or buying out  
12 operations if they are adversely affected. I think the  
13 situation you are talking about is what I would  
14 classify as a worst case scenario.

15                   And without knowing the details of the  
16 particular situation, I really couldn't give you  
17 direction on whether we would or we wouldn't.

18                   As a rule, my answer would be we don't.  
19 As a rule, what we try to do through the planning  
20 process is avoid that sort of situation so that we are  
21 not really faced with it. We try and prevent, mitigate  
22 or minimize.

23                   And I want to stress that because I think  
24 that you want to be careful about not drawing  
25 general conclusions from isolated cases, and I think

1       that is really important. I personally believe that in  
2       most cases we can achieve a degree of accommodation to  
3       the industry that will permit it to function in a  
4       profitable way.

5               The other example, of course, is that  
6       there may be some benefits as a result of increased  
7       harvest and access in timber management to road  
8       accessible establishments for the reasons primarily  
9       that I have discussed in that particular example.

10              I am not dwelling a lot on the mechanism  
11       to prevent or minimize. If at any point you want me to  
12       expand on those, I will. They are very general and  
13       they really cover the whole range of implementation  
14       manuals that have already been identified in evidence  
15       and I would stress once again that they provide a  
16       framework or some guideline within which we develop  
17       prescriptions.

18              And I am sorry that we weren't able to  
19       have Dr. Euler present his evidence first because I  
20       think it would have helped some of these issues that  
21       are obviously based on secondary effects of harvest on  
22       wildlife.

23              With the trapping group, we feel that the  
24       results or the potential effects overall are generally  
25       positive simply because they provide increased access

1       which allows them to visit their traplines more  
2       frequently, allows them to get their equipment in and  
3       out more easily, and most trappers now live in  
4       communities and commute to and from their trapline.  
5       and many of them do it on a part-time basis.

6               And given that situation, it really,  
7       really facilitates their ability not only to get to the  
8       trapline but to perhaps even access other parts of  
9       their trapline.

10              So we think that the overall effect is  
11       positive -- potential effect is positive. The  
12       significant negative effects in the absence of the  
13       application of the guidelines may be the loss of some  
14       potential harvest of some species.

15              And the example that comes to my mind is  
16       if you are harvesting - and Dr. Euler may wish to  
17       elaborate on this - but if you are harvesting in mature  
18       conifers you may lose habitat for fisher and marten.

19              And there are certainly examples of  
20       instances that I am aware of where provisions have been  
21       made to protect stands of mature conifers to protect  
22       those species where that has been identified by  
23       trappers as a concern.

24              DR. EULER: A. I will elaborate on that  
25       in my evidence if that would be acceptable to the

1 Board.

2 THE CHAIRMAN: Very well.

3 MR. CLARK: Wild rice harvesters. The  
4 overall effect is positive through harvest and  
5 associated access and, once again, you can see we are  
6 spilling over in our access in a significant way in  
7 that it just provides better, faster, more  
8 cost-efficient access to rice beds.

9 We are not aware, on the basis of our  
10 research, that there are any significant negative  
11 effects, and you will note in the mechanisms to  
12 prevent, minimize and mitigate there are -- it  
13 identifies the application of Guidelines for Fish  
14 Habitat.

15 And I think the point was made earlier in  
16 the week when Dr. Allin was giving his evidence that  
17 rice beds may provide good habitat for some species of  
18 fish and may serve as nursery areas as well. So that  
19 oftentimes areas that are rice beds would normally be  
20 protected through the Fish Guidelines anyway.

21 Commercial food and bait fishermen.  
22 Overall positive effect -- potential effect through  
23 more economical access, much the same situation you  
24 have with trappers and wild rice harvesters. People  
25 don't live on the site, they commute to the site and if



1       they can get to the sites where the activity is  
2       occurring more easily it saves time and money.

3               On the potential negative side in the  
4       absence of guidelines, Dr. Allin talked about the  
5       potential effect of harvesting on erosion,  
6       sedimentation, nutrient levels, water yields, and  
7       organic debris entering water. Those kinds of concerns  
8       that he mentioned in the absence of guidelines could  
9       result in a reduction of the fish resource through an  
10      effect on fish habitat which could result in lower  
11      levels, lower yields for fishermen. And, of course,  
12      our response is to apply the Fish Guidelines,  
13      Guidelines for Access Roads and Water Crossings and to  
14      apply the Code of Practice.

15             The forest industry. The overall effect,  
16      I think you can appreciate, is positive in that it  
17      allows for continuity of wood supply, permits long-term  
18      industry revenues and, in the sense that you are doing  
19      timber management planning and adopting hopefully the  
20      most effective silvicultural practices in the long  
21      term, it is cost-effective.

22             And in the absence of the guidelines and  
23      other Ministry direction, the opposite at least to some  
24      extent would be the case.

25             Now, we are not suggesting that

1 professional foresters wouldn't exercise good judgment,  
2 but they wouldn't have the benefit under that scenario  
3 of the direction that's provided in the various  
4 guidelines and other direction, so that you might get a  
5 reduction in continuity of wood supply and losses in  
6 revenue and cost efficiency.

7 Cottagers. The overall effect, potential  
8 effect would be either positive or negative depending  
9 on preference and location. Obviously the cottagers  
10 who enjoy and want a more remote setting for which the  
11 values of remoteness/isolation are of utmost importance  
12 there may be a negative effect or negative potential  
13 effect.

14 On the other hand, it has certainly been  
15 my experience that cottagers also enjoy road access.  
16 And in instances that I am familiar with where we  
17 contemplated road development, cottagers have asked  
18 that we develop the roads that will allow them to more  
19 effectively access their properties. So that there  
20 are -- it cuts both ways on this one I think.

21 The potential negative effects in terms  
22 of not applying the various guidelines and Ministry  
23 direction is that there is a potential for the loss of  
24 remoteness, loss of aesthetics, loss of water quality  
25 and a potential effect on the aquatic and terrestrial

1 environment, and these are highlighted in more detail  
2 in the evidence package itself.

3 We have a general category called  
4 naturalists, and I should point out here that there is  
5 so much overlap here and, as I say, we run the risk  
6 when we generalize of not noting all the exceptions of  
7 which I am sure there are many. But our evaluation,  
8 based on the assumption of current practice, is that  
9 naturalists see timber management, particularly  
10 harvesting and associated access, as a significant  
11 potential negative effect.

12 And in the absence of the guidelines and  
13 Ministry direction, the potential -- their concerns  
14 would relate to the aquatic and terrestrial environment  
15 and these are highlighted in more detail in the  
16 evidence.

17 Loss or reduction of cultural and  
18 heritage values. And a general concern, somewhat akin  
19 to that expressed by remote tourist operators, is an  
20 erosion of quality such as remoteness, wilderness and  
21 the ability of nature to function freely, and those are  
22 my words. Our means of preventing, minimizing and  
23 mitigating are to apply the guidelines, particularly  
24 the resource environmental manuals at the local level,  
25 to use the area of concern planning process in timber

1 management planning.

2 And I have also mentioned here that in  
3 instances where we are dealing with significant natural  
4 features that -- beyond the area of concern planning  
5 process, there are opportunities to also identify and  
6 designate areas of natural and scientific interest and  
7 I guess in the limit, the potential exists where these  
8 features are identified to designate them as Provincial  
9 Parks, for example, as nature reserves.

10 Not too many more. There is some overlap  
11 here, obviously. Canoeists and hikers. I think this  
12 one also can be both a positive or negative potential  
13 effect.

14 On the positive side, it provides  
15 increased access. In many of the areas that are  
16 extremely popular for canoeing and hiking, particularly  
17 canoeing, access is a pretty central concern when  
18 you're planning your trip because you wouldn't be able  
19 to get on the river without the canoe route system, and  
20 off it at particular points. And so road access can be  
21 very, very important.

22 But at the same time, there is an obvious  
23 concern about loss of aesthetics, remoteness, quality  
24 of angling and viewing generally.

25 In the situation where the guidelines were



1 not applied, the potential effects would be the overall  
2 loss of remoteness. Many canoe routes are viewed as  
3 valuable heritage resources, and the loss of  
4 aesthetics and these are concerns that are obviously  
5 shared by many other groups including naturalists and  
6 cottagers.

7 MR. FREIDIN: Q. And in terms of  
8 canoeists and hikers in terms of possible mechanisms to  
9 prevent, minimize or mitigate, does the Provincial Park  
10 System play any role?

11 MR. CLARK: A. Well, obviously the  
12 Provincial Park System does because in meeting the  
13 objectives of that particular program we have  
14 attempted, as I think Mr. Beechey pointed out, to  
15 develop a system of parks that meet a variety of  
16 objectives, some of which are natural heritage oriented  
17 and others of which are recreational in nature.

18 So we have a system of Provincial Parks  
19 now that does protect some of the better, for example,  
20 canoeing and hiking opportunities in the province.

21 But I would stress that the objective in  
22 meeting those targets is simply -- is not limited to  
23 the Provincial Park System, and I refer back to my  
24 earlier evidence where I talked about the  
25 accommodations that have been made in terms of canoe

1 routes on Crown land and hiking trails as well.

2 Anglers. Generally positive, easy access  
3 to quality fish. You don't have to work in a district,  
4 in a fairly remote setting very long to see what the  
5 impact of a road is in terms of the way it entices  
6 people to discover what is up the road and what the  
7 opportunities are for either hunting or fishing.

8 When you look at anglers you should  
9 understand these are -- we are really referring to a  
10 large extent to road-accessible anglers because, as I  
11 pointed out in the remote tourism instance, the angler  
12 who flies in and wants a remote experience may not  
13 appreciate the fact that somebody drives into a lake in  
14 an ATV or drives as far as he can and then hikes the  
15 rest of the way and is, in effect, seen as compromising  
16 the experience of the person who flew in and paid good  
17 money do that. So we are talking mainly about anglers  
18 who are road accessible.

19 The concerns would be loss of habitat,  
20 over exploitation of a fisheries resource, application  
21 of the tourism guidelines resulting in a loss of  
22 potential opportunities, which is really the effect I  
23 was talking about there where you do identify a remote  
24 tourism lake and you put reserves on it, the local  
25 angler may feel unjustly deprived of a resource that he

1 feels is his, almost his birthright, particularly if he  
2 lives and works in that particular area.

3 And the general response in terms of how  
4 we enhance, prevent or mitigate is to apply the  
5 guidelines particularly for fish habitat and the  
6 Guidelines for Road Construction and Water Crossings,  
7 also the Moose and Tourism Guidelines because  
8 collectively they achieve many of the same objectives.  
9 And I stress once again the application of the Code of  
10 Practice and the AOC planning process.

11 The last point, managed fish populations.  
12 When you're trying to achieve fisheries management  
13 objectives you don't simply do it by -- necessarily by  
14 placing reserves on lakes. You may do it by coming up  
15 with fisheries management strategies that employ a  
16 variety of regulations that may reduce or increase bag  
17 limits or may establish other direction that will  
18 protect the fisheries resource even though it is more  
19 accessible.

20 Keeping in mind what we said about remote  
21 tourism, hunters, the potential effect would generally  
22 be positive, improved access to quality hunting  
23 opportunities. And I know that Dr. Euler will be  
24 talking about more of these things in his evidence, so  
25 I am not going to dwell on these relationships too

1 much, except to say that the significant potential  
2 negative effects in the absence of the guidelines would  
3 be loss of wildlife habitat.

4 And in, for example, the case of moose  
5 you may be talking about loss of critical habitat that  
6 relates to travel corridors, to camping areas, to  
7 mineral licks, to winter -- early and late wintering  
8 areas and that sort of thing. And so in the absence of  
9 guidelines to protect those things, you may lose  
10 habitat which could result in reductions in wildlife  
11 which could result in reductions in hunters' success  
12 ultimately.

13 So these concerns will be dealt with in  
14 more detail in a general way by -- at least in more  
15 detail by Dr. Euler.

16 Q. In reference to the anglers you  
17 referred to perhaps increasing or decreasing the bag  
18 limit. What's that?

19 A. The number of fish you can take at  
20 any time.

21 Native communities. We are saying that  
22 the potential overall effect can be positive and  
23 harvest and associated access can provide improved  
24 access where improved access is desired. And I make  
25 that point strongly because in instances where native



1 communities are inaccessible and wish to remain  
2 inaccessible, to the extent that that message is  
3 conveyed through the planning process, those kinds of  
4 considerations can be built into our decisions.

5 The other positive effect is employment  
6 and this is, of course, I think a major concern on the  
7 part of most native communities in becoming more  
8 self-sufficient. Employment opportunities are very  
9 important because you need an economic base to do that.

10 Now, the point we make under potential  
11 negative effects is that native people can have any of  
12 their concerns identified elsewhere in the document;  
13 they may be fishermen, hunters, trappers, commercial  
14 tourist operators and so on.

15 Under negative effects we have also  
16 identified the fact that there is the potential for  
17 possible impacts -- negative impacts on sites of  
18 cultural and religious significance. And as I pointed  
19 out, I think in Panel 7, we are in the process of  
20 developing guidelines for the protection of cultural  
21 heritage values. These are not yet complete but they  
22 will speak to the issue of sites of a kind that have  
23 been identified here.

24 And in terms of the various measures we  
25 can take to prevent or minimize, we apply all

1 provincial guidelines, stress the area of concern  
2 planning process that puts some emphasis on the various  
3 shareholders, in this case native people, to tell us  
4 what their concerns are and to work with us in  
5 developing solutions particularly at the local level.

6 The Code of Practice is noted in almost  
7 all of these and the obvious need to integrate the  
8 management of fish and wildlife resources to achieve  
9 the objectives or minimize impacts that are established  
10 in timber management planning.

11 Last, and certainly not least, there is  
12 local communities. Obviously -- no, I will just say  
13 the summary of potential effects given current  
14 practice, we believe is overall positive. It is  
15 important from the point of view of community  
16 stability, long-time wood supply, jobs, incomes and  
17 expenditures and cost efficiency. Many, many  
18 communities in the area of the undertaking rely in a  
19 very significant way on the economic opportunities that  
20 harvesting provides.

21 In terms of negative effects, the local  
22 communities can have any of the concerns that have been  
23 identified elsewhere on the tables and, in that  
24 context, the same general measures apply in terms of  
25 either enhancing or mitigating effects. That's the

1 last one.

2 Q. By way of summary, Mr. Clark, could  
3 you indicate the bottom line, if you will, as to the  
4 Ministry's perception as to the potential effect and  
5 actual effect of the timber management activity of  
6 harvest on the socio-economic environment?

7 A. Well, I think that if you think back  
8 to the material I just presented, I have to say that we  
9 believe that the overall effect will be positive  
10 provided that we follow the timber management planning  
11 process identified in the Class Environmental  
12 Assessment and that we apply the implementation manuals  
13 and other direction that's noted in that document.

14 I would also stress that there will be  
15 instances where there are exceptions where there are  
16 significant negative impacts, but we should be careful  
17 in not generalizing from a limited number of negative  
18 examples to the whole area of the undertaking.

19 MR. FREIDIN: Those are my questions of  
20 Mr. Clark, Mr. Chairman.

21 THE CHAIRMAN: Thank you, Mr. Freidin.  
22 Thank you, Mr. Clark.

23 Ladies and gentlemen, we are about to  
24 adjourn before the spring break. There is just a  
25 couple of short announcements.

1                   Statements of Issue for Panel 12 witness  
2           statements, the Board would like to be submitted by  
3           April 13th, and we are planning to hold the scoping  
4           session with respect to the Panel 12 statements on our  
5           return on April 24th which is, as you recall, after a  
6           week where the Board will not be sitting, and we will  
7           do that at the outset of that session.

8                   When we adjourn today we are scheduled to  
9           return on March 28th and we will be commencing that day  
10          at 1:00 p.m. You already have the announcement that we  
11          will not be sitting April 3rd and we will be sitting  
12          Tuesday through Friday of that week.

13                   The last thing that I would like to do  
14          just before adjourning is, we have here the summary of  
15          the most recent site visit taken by the Board which  
16          will be available to the parties. It was taken on  
17          February 23rd, and we will give it an exhibit number of  
18          470, and I will leave the copies of that document up  
19          here.

20          ---EXHIBIT NO. 470:   Summary of Board site visit on  
21                                   February 23, 1989.

22                   THE CHAIRMAN: Very well, ladies and  
23          gentlemen, we will now adjourn. I wish you well over  
24          the spring break.

25                   Thank you.



1        ---Whereupon the hearing adjourned at 11:50 a.m., to be  
2           reconvened on Tuesday, March 28th, 1989, commencing  
3           at 1:00 p.m.

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